

<p>Agenda</p> 	<p style="text-align: center;">TIOGA COUNTY LEGISLATURE</p> <p style="text-align: right;">1/10/2023 12:00 PM EDWARD D. HUBBARD AUDITORIUM Ronald E. Dougherty County Office Building 56 Main Street Owego NY 13827</p>	
<p>Meeting called by:</p>	<p>Chair Martha Sauerbrey</p>	
<p>Type of meeting:</p>	<p>1st Regular</p>	
<p>Attendees:</p>	<p>Legislator Brown Legislator Ciotoli Legislator Monell Legislator Mullen Legislator Roberts Legislator Sauerbrey Legislator Standinger Legislator Weston</p>	
<p>Agenda topics</p>		
<p>Invocation Pledge of Allegiance Recognition Resolutions (4)</p>	<p>Legislator Monell Legislator Monell</p> <ul style="list-style-type: none"> • Recognition Resolution Recognizing Legislator Hollenbeck Posthumously • Recognition Resolution Recognizing Aaron Gowan's 30 Years of Dedicated Service to the Tioga Co. IDA • Recognition of Christine Fay's 19 Years of Dedicated Service to Tioga County and Tioga County Department of Mental Hygiene 	

<p>Proclamation (1) Privilege of the Floor Approval of Minutes Petitions, Communications & Notices Appointments/Reappointments</p> <p>STANDING COMMITTEES 2023</p> <p>Reports Standing Committees</p>	<ul style="list-style-type: none"> • Recognition of the Honorable Gerald A. Keene's 41 Years of Dedicated Service to Tioga County • Human Trafficking Awareness Month <p>December 8 and 13, 2022</p> <p>Legislator Vacancy Committee:</p> <ul style="list-style-type: none"> • Chair Sauerbrey • Legislator Monell • Legislator Roberts • Legislator Standinger 	
---	---	--

<p>RESOLUTIONS:</p>	<ol style="list-style-type: none"> 1. LOCAL LAW TO BE INTRODUCED: Local Law Introductory No. A of 2023 – A Local Law Establishing the Salary for the Offices of County Clerk and County Sheriff for the Four-Year Term of Office Commencing January 1, 2024 and Continuing Through and Including December 31, 2027 2. Schedule Public Hearing Local Law Introductory No. A of 2023 3. Appoint Directors Soil & Water Conservation District 4. Appoint Members Fish & Wildlife Management Board 5. Appoint Member to the Tioga County Industrial Development Agency 6. Recommend Members to the Susquehanna Heritage Area Commission 7. Authorize Contract with Tompkins-Seneca-Tioga BOCES to Administer Prevention Services 8. Authorize Contract with Securitas Security Services for 56 Main Street 9. Authorize Lease with Motorola Solutions to Fund Equipment for P25 Radio System Project – Office of Emergency Services 10. Authorize Lease Agreement for Storage of Radio Equipment – Office of Emergency Services 11. Authorization to Proceed with Shared Services Agreement 12. Authorize Capital Project American Rescue Plan Act (ARPA)
---------------------	---

- Capital Appropriation Request 003
13. Re-Establish Prior Year ARPA Operating & Capital Appropriations
 14. Appropriation of Funds Budget Modification 2022 – Mental Hygiene
 15. Appropriation of Funds Budget Modification 2022 – Mental Hygiene
 16. Transfer of Funds 2022 Budget Modification – Veterans Service Agency
 17. Modify 2023 Budget and Appropriation of Funds – Office of Emergency Services
 18. Accept FEMA Grant and Appropriation of Funds Hazardous Mitigation Planning Grant (HMP23), Modify 2023 Budget – Emergency Management
 19. Authorizing the Implementation and Funding in the First Instance 100% of the Federal Aid and State “Marchiselli” Program-Aid Eligible Costs of a Transportation Federal-Aid Project and Appropriating Funds
 20. Approve Change Order for HVAC Project at County Office Building
 21. Accept Reimbursement from Absentee Ballot Pre-Paid Postage Grant and Amend 2022 Budget
 22. Authorize Multi-Year Prepayment of Subscription to Achieve Savings
 23. Transfer Funds to Fund and Fill Vacant Network Administrator Position within Information Technology and Communication Services Department
 24. Authorize Creation and Filling of Temporary Position – Information Technology and Communication Services Department
 25. Create and Fill Temporary, Part-Time Paralegal (Seasonal) Position – District Attorney’s Office
 26. Amend Resolution 286-22; Create and Fill Seasonal Social Welfare Examiner Positions and Seasonal Office Specialist I Positions for the HEAP Program – Department of Social Services
 27. Amend Resolution 277-06 Appoint ADA Coordinator
 28. Appoint Title VI Coordinator
 29. Abolish Two Part-Time Paralegal Positions and Create One Full-Time Office Specialist III – Public Defender’s Office

30. Authorize Salary Above CSEA Base for Case Supervisor, Grade B (Donna Corbin)
31. Appointment of Administrative Coroner
32. Authorize Interim Appointment and Salary Increase – Public Health
33. 2023 Staff Changes – Law Department
34. Amend Resolution 193-18; Adoption of Tioga County Title VI Plan, Environmental Justice Plan, Limited English Proficiency Plan, Data Collection Plan, ADA Transition Plan, and Employee Training Plan
35. Amend Employee Handbook: Add New Policy to New Section XII. Entitled Section 3 Plan for Tioga County
36. Amend Employee Handbook: Section IV. Personnel Rules, Subsection T. Entitled Tioga County Remote Work Policy
37. Amend Employee Handbook: Section VIII. Comprehensive Information Security Policy
38. Amend Employee Handbook: Section VI. Travel Policy and Procedures, Subsection VII. Meal Allowances and Section VII. Purchasing and Payment Policy, Subsection III. Purchasing Cards

REFERRED TO: LEGISLATIVE WORKSESSION
RESOLUTION NO. -23 RECOGNITION RESOLUTION
RECOGNIZING EDDIE J. HOLLENBECK
POSTHUMOUSLY

WHEREAS: Legislator Eddie J. Hollenbeck passed away on November 23, 2022; and

WHEREAS: The Tioga County Legislature would like to posthumously recognize Mr. Hollenbeck for his dedicated service as a Tioga County Legislator for the last 12 years; and

WHEREAS: Eddie was appointed to the position of Tioga County Legislator, District #7, on August 11, 2010, filling the unexpired term of William Oberbeck, and was successfully re-elected every term thereafter; and

WHEREAS: Eddie was extremely dedicated and loyal in the performance of his duties and responsibilities as Legislator and well-respected by his peers; and

WHEREAS: Legislator Hollenbeck was appointed Deputy Chair of the Legislature on April 11, 2017; a position he was appointed every year thereafter; and

WHEREAS: Over the course of his Legislative career, Eddie served as Chairman of several Legislative Standing Committees overseeing numerous departments with his longest running term as Chair of the Personnel Committee for 9 years from 2010-2011 and then again from 2016-2022. From 2012-2013, Legislator Hollenbeck served as Chair of the Information Technology Committee and from 2014-2015 served as the Chair of the Finance, Legal & Safety Committee. In addition, Legislator Hollenbeck served on the following Legislative Standing Committees: Health and Human Services, Economic Development and Planning, Public Safety, Administrative Services, Information Technology, and Personnel; and

WHEREAS: Legislator Hollenbeck was always willing to step in and serve where needed including as a Legislative Representative on the County's Contract Negotiations Team where he exhibited fairness to County employees, serving 11 years on the Southern Tier Regional Development Planning Board, now known as Southern Tier 8, from January 1, 2011-December 31, 2021, and serving 9 years on the Agricultural & Farmland Protection Board since 2014; and

WHEREAS: Eddie is survived by his wife, Holly, and their three children; Brandi Hollenbeck, Eddie J. Hollenbeck III, and Erin Short as well as his beloved grandchildren Leah, Landon, Sadie, Clayton, Lindie, Jaden, Livia, and Kamryn; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude and recognize Eddie J. Hollenbeck posthumously for his years of dedicated service to Tioga County as a Tioga County Legislator; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to the family of Eddie J. Hollenbeck.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. -23 RECOGNITION OF CHRISTINE FAY'S
19 YEARS OF DEDICATED SERVICE
TO TIOGA COUNTY AND
TIOGA COUNTY DEPARTMENT
OF MENTAL HYGIENE

WHEREAS: Christine Fay was hired as a Probation Assistant with the Tioga County Probation Department on December 10, 1979 and was promoted to Probation Officer on June 14, 1982; the position she held until February 9, 1984. On November 17, 2008, Ms. Fay returned to County employment with the Tioga County Department of Mental Hygiene as a Clinical Social Worker and was promoted to Senior Clinical Social Worker on 9/11/2017; the position she still holds; and

WHEREAS: Christine Fay has been extremely dedicated, loyal and professional in the performance of her duties and responsibilities during the past 19 years to the Mental Hygiene Department. She has earned the respect of her director, colleagues and peers throughout Tioga County; and

WHEREAS: Ms. Fay will retire on January 17, 2023; therefore, be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to Christine Fay for her 19 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding employee, Christine Fay.

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE

RESOLUTION NO. -23 RECOGNITION OF THE
HONORABLE GERALD A. KEENE'S
41 YEARS OF DEDICATED SERVICE TO
TIOGA COUNTY

WHEREAS: The Honorable Gerald A. Keene began his career as Assistant Public Defender in the Public Defender's Office on January 1, 1981 and on January 1, 1983 was appointed 2nd Assistant Public Defender; and

WHEREAS: On November 15, 1985, the Honorable Gerald A. Keene was appointed 3rd Assistant District Attorney in the District Attorney's Office, was appointed 2nd Assistant District Attorney on August 24, 1992, and on January 1, 1998 was appointed 1st Assistant District Attorney. He was appointed Acting District Attorney on September 1, 1999; and on January 1, 2000 was elected District Attorney for Tioga County where he proudly served the citizens of Tioga County and was instrumental in prosecuting several high-profile cases; and

WHEREAS: The Honorable Gerald A. Keene was then elected to the Tioga County Court Multi-Bench presiding over County, Family and Surrogate Court matters in the Sixth Judicial District of New York January 1, 2013, where he continued his service to the County until his retirement December 31, 2022; and

WHEREAS: The Honorable Gerald A. Keene has been extremely dedicated and loyal in the performance of his duties and responsibilities during the past 41 years both as an attorney and judge earning the respect of all who have had the privilege to work with or appear in front of him; and

WHEREAS: The Honorable Gerald A. Keene retired December 31, 2022; therefore be it

RESOLVED: That the Tioga County Legislature, on its own behalf, as well as on behalf of the citizens of Tioga County, express sincere gratitude to the Honorable Gerald A. Keene for his 41 years of dedicated and loyal service to the residents of Tioga County; and be it further

RESOLVED: That this resolution be spread upon the minutes of this meeting and a certified copy be presented to this outstanding person, the Honorable Gerald A. Keene.

**COUNTY OF TIOGA
EXECUTIVE PROCLAMATION**

WHEREAS: Each year, January is recognized as National Human Trafficking Awareness Month and January 11 is Wear Blue for Human Trafficking Awareness Day. Tioga County's Safe Harbour Task Force takes steps each January, and throughout the year to identify, support and help keep safe youth and children in Tioga County who are impacted by the Commercial Sexual Exploitation of Children. Tioga County Safe Harbour also works with community agencies, schools, families, and services organizations to reduce the risk of exploitation of our children by providing education, prevention, and awareness; and

WHEREAS: The commercial sexual exploitation of children is not only a global, but a local problem; the safety of our children depends on a community response; and

WHEREAS: The aftermath of child sexual exploitation is evident not only among the child affected, but their family and community at large; and

WHEREAS: The success of prevention and awareness programs such as Safe Harbour is enhanced by strong alliances with established services such as the Tioga County Department of Mental Hygiene, A New Hope Center, Tioga Opportunities, the Tioga County District Attorney's Office, Mothers and Babies Perinatal Network, and many others; and

WHEREAS: All adults, youth and children should be aware of and be able to recognize the signs of commercial sexual exploitation of children, the risk it poses to our youth and the importance of children having a safe, risk-free community within which to live; therefore

THE TIOGA COUNTY LEGISLATURE, County of Tioga, does hereby Proclaim the month of January 2023 as

HUMAN TRAFFICKING AWARENESS MONTH

in Tioga County and call upon all citizens, community agencies, religious organizations, medical facilities, and businesses to increase their participation in our efforts to recognize and reduce the risk of the commercial sexual exploitation of children.

**STANDING COMMITTEES OF THE COUNTY LEGISLATURE
OF THE COUNTY OF TIOGA FOR 2023**

	Chairman			
1. Administrative Services (County Clerk, Historian, Real Property, Veterans, Elections)	Mullen	Standinger	Brown	Ciotoli
2. Economic Development/ Planning/ Tourism/ Agriculture	Roberts	VACANT	Mullen	Weston
3. Finance/Legal & Safety	Ciotoli	All Legislators		
4. Information Technology	Brown	Ciotoli	Monell	Mullen
5. Legislative Worksessions/ Legislative Support	Sauerbrey	All Legislators		
6. Health & Human Services	Standinger	Brown	Monell	Mullen
7. Public Safety/ Probation & DWI	VACANT	Weston	Roberts	Standinger
8. Public Works/ Capital Projects	Weston	Standinger	Roberts	Ciotoli
9. Personnel	Monell	Brown	VACANT	Weston

Local Law Filing

New York State Department of State
41 State Street, Albany, NY 12231

County of Tioga

Local Law No. X of the Year 2023.

A Local Law establishing the salary for the Offices of County Clerk and County Sheriff for the four-year term of office commencing January 1, 2024 and continuing through and including December 31, 2027.

Be It Enacted by the Legislature of the County of Tioga as follows:

SECTION 1: PURPOSE

As set forth at Local Law No. 3 of 2003, the annual salary for the elected public Offices of County Clerk and County Sheriff shall not be increased during a term of office.

Accordingly, it is the purpose and intent of this Local Law to establish the salary for the Offices of County Clerk and County Sheriff for the four-year term of office commencing January 1, 2024 and continuing through and including December 31, 2027.

SECTION 2: ANNUAL SALARY

- A) The annual salary for the Offices of County Clerk and County Sheriff for the term of office beginning January 1, 2024 and continuing through and including December 31, 2027 is hereby established as follows:

1. County Clerk	\$ 80,000
2. County Sheriff	\$104,055

SECTION 3: SEVERABILITY

If any clause, sentence, phrase, paragraph, subdivision, section, rule or part of this ordinance shall be adjudged by any Court or Agency of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, phrase, paragraph, subdivision, section, rule or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4: EFFECTIVE DATE

This Local law shall take effect January 1, 2024.

REFERRED TO:

LEGISLATIVE WORKSESSION

RESOLUTION NO. -23

SCHEDULE PUBLIC HEARING
LOCAL LAW INTRODUCTORY NO. A OF 2023

RESOLVED: That a Public Hearing shall be held on Thursday, January 19, 2023 at 10:00 A.M. in the Legislative Conference Room of the Ronald E. Dougherty County Office Building, 56 Main Street, Owego, NY 13827 on Local Law Introductory No. A of 2023 A Local Law establishing the salary for the Offices of County Clerk and County Sheriff for the four-year term of office commencing January 1, 2024 and continuing through and including December 31, 2027.

REFERRED TO:

LEGISLATIVE WORKSESSION

RESOLUTION NO. -23

APPOINT DIRECTORS
SOIL & WATER CONSERVATION DISTRICT

RESOLVED: That Legislators Dale Weston and Tracy Monell are hereby appointed Directors of the Tioga County Soil & Water Conservation District for a one-year term on January 1, 2023 through December 31, 2023; and be it further

RESOLVED: That Tom Zorn be hereby re-appointed as the Tioga County Farm Bureau Representative to the Soil and Water Conservation District Board for a three-year term of January 1, 2023 – December 31, 2025.

REFERRED TO:

LEGISLATIVE WORKSESSION

RESOLUTION NO. -23

APPOINT MEMBERS
FISH & WILDLIFE MANAGEMENT BOARD

WHEREAS: The Board terms for Elected Official Representative and Sportsman Member on the Fish & Wildlife Management Board have expired; and

WHEREAS: W. Jake Brown, Tioga County Legislator, has expressed an interest in serving as the Elected Official Representative on the Fish & Wildlife Management Board; and

WHEREAS: William J. Woods, Jr. has expressed an interest to continue serving as the Sportsman Member on the Fish & Wildlife Management Board; therefore be it

RESOLVED: That W. Jake Brown, Tioga County Legislator, be appointed as the Elected Official Representative on the Fish & Wildlife Management Board for a two-year term of January 1, 2023 – December 31, 2024 and William J. Woods, Jr. be re-appointed as the Sportsman Member on the Fish & Wildlife Management Board for a two-year term of January 1, 2023 -December 31, 2024.

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. - 23

APPOINT MEMBER TO THE
TIOGA COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

WHEREAS: Aaron Gowan has expressed his desire to resign from the Tioga County Industrial Development Agency as of January 10, 2023; and

WHEREAS: The Tioga County Industrial Development Agency Board of Directors has found Mari Townsend willing and able to fill said vacancy; therefore be it

RESOLVED: That the Tioga County Legislature hereby appoints Mari Townsend to fill said vacancy and serve on the Tioga County Industrial Development Agency Board of Directors effective January 10, 2023 for a term to end at the discretion of the Tioga County Legislature.

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. -23

RECOMMEND MEMBERS TO THE
SUSQUEHANNA HERITAGE AREA
COMMISSION

WHEREAS: Per Resolution 25-16, the Tioga County Legislature resolved that the Economic Development and Planning Committee recommend designees for the Municipal Representative and also the Advisory Board Member on the Susquehanna Heritage Area (SHA) Commission for the term of office of the County Legislative Chair who appoints said persons; and

WHEREAS: Currently Rebecca Maffei, Tioga County Tourism Director, and Abbey Ortu, Community Development Specialist of Economic Development and Planning, have been serving as the two (2) SHA Commission members; and

WHEREAS: Rebecca Maffei, Tioga County Tourism Director, and Abbey Ortu, Community Development Specialist of Economic Development and Planning, are willing to serve as the two (2) SHA Commission members; therefore be it

RESOLVED: That the Economic Development and Planning Committee recommend Rebecca Maffei, the Tioga County Tourism Director, continue to serve as the Municipal Representative and Abbey Ortu, Community Development Specialist, continue to serve as the Advisory Board member on the Susquehanna Heritage Area Commission for the term of office of the County Legislative Chair who appoints said person.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE

RESOLUTION NO. -23 AUTHORIZE CONTRACT WITH
TOMPKINS-SENECA-TIOGA BOCES TO
ADMINISTER PREVENTION SERVICES

WHEREAS: Tioga County Mental Hygiene (TCMH) uses the services of Tompkins-Seneca-Tioga BOCES for the purpose of Alcohol and Substance Abuse Prevention in Tioga County; and

WHEREAS: TCMH receives state aid pass through funding with no local share for these services to be rendered to Tioga County residents; and

WHEREAS: Tompkins-Seneca-Tioga BOCES has been performing these services in the past and TCMH is seeking a contract renewal: therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Director of Community Services to enter into renewal contracts with Tompkins-Seneca-Tioga BOCES, for \$10,284 plus any additional state aid received, for the continuation of Alcohol and Substance Abuse Prevention for the period January 1, 2023 through December 31, 2023.

REFERRED TO: FINANCE, LEGAL AND SAFETY COMMITTEE

RESOLUTION NO. -23 AUTHORIZE CONTRACT WITH
SECURITAS SECURITY SERVICES FOR
56 MAIN STREET

WHEREAS: The 56 Main Street Safety and Security Committee has identified a need for security services at the Ronald E. Dougherty County Office Building located at 56 Main Street; and

WHEREAS: Tioga County has obtained three quotes for unarmed security services; and

WHEREAS: The proposal from Securitas Security Services USA, Inc, to perform this service, is the most cost effective; and

WHEREAS: American Rescue Plan Act "ARPA" funds have been budgeted in the Tioga County 2023 Capital Budget for use specifically as designated by the Tioga County Legislature for unarmed security services at the Ronald E. Dougherty County Office Building located at 56 Main Street; and

WHEREAS: Upon the successful receipt and review of the ARPA One Time Funding Request Form, both the Legislative Chair and the ARPA Fund Administrator have granted their approval of the form, and have submitted the request to the Tioga County Legislature for final review and approval; and

WHEREAS: The Tioga County Legislature shall oversee and authorize all ARPA expenditures whether budgeted or not; therefore be it

RESOLVED: That the County Attorney is authorized to contract with Securitas Security Services USA, Inc to provide unarmed security services at 56 Main Street effective as of February 10, 2023; and be it further

RESOLVED: That invoices related to the Securitas Contract for 56 Main Street, Owego, New York to be paid with ARPA funds are to be appropriated from the following account for no more than the amount requested:

From: CI8042 540140 M7674 Contracted Services \$160,000.00

REFERRED TO:

PUBLIC SAFETY COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -23

AUTHORIZE LEASE WITH MOTOROLA
SOLUTIONS TO FUND EQUIPMENT FOR
P25 RADIO SYSTEM PROJECT
OFFICE OF EMERGENCY SERVICES

WHEREAS: Equipment for the P25 Radio System Project was ordered and has been received by the Office of Emergency Services, and

WHEREAS: It would be beneficial to the County to enter into a lease with Motorola Solutions to pay for said equipment at an amount not to exceed \$3,557,413.44; and

WHEREAS: Legislative approval is required to authorize such lease; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes the Chair of the County Legislature to sign all lease related paperwork, with Motorola Solutions, upon review of the County Attorney.

REFERRED TO:

PUBLIC SAFETY COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -23

AUTHORIZE LEASE AGREEMENT FOR
STORAGE OF RADIO EQUIPMENT
OFFICE OF EMERGENCY SERVICES

WHEREAS: The Office of Emergency Management has been working on a radio tower project with Motorola and the equipment has been shipped and a storage facility needed to be secured to safely store said equipment; and

WHEREAS: A building owned by Weitsman Recycling at 941 NY-38 in Owego, NY has been found to be acceptable for the storage of said equipment; therefore be it

RESOLVED: That the Director of Emergency Management be authorized to sign the lease, after review with the County Attorney, at a cost of \$2,190/month effective December 14, 2022.

REFERRED TO:

ITCS COMMITTEE

RESOLUTION NO. -23

AUTHORIZATION TO PROCEED WITH
SHARED SERVICES AGREEMENT

WHEREAS: The Tioga County Legislature recognizes the need to maintain efficient government operations and achieve cost savings for services where applicable; and

WHEREAS: The Information Technology and Communication Services Department has conducted extensive work with the municipality of Nichols (Town) to identify and plan a shared IT services arrangement to be implemented in 2023; and

WHEREAS: This process has identified that implementing shared services with the Town of Nichols will achieve a cost savings for the municipality and provide revenue to the County to offset existing service costs; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes the Legislative Chair to sign paperwork associated with the shared services agreement for the Town of Nichols, contingent upon review and approval by the County Attorney and Chief Information Officer.

REFERRED TO:

ITCS COMMITTEE
FINANCE COMMITTEE
PUBLIC WORKS COMMITTEE

RESOLUTION NO. -23

AUTHORIZE CAPITAL PROJECT
AMERICAN RESCUE PLAN ACT (ARPA)
CAPITAL APPROPRIATION REQUEST 003

WHEREAS: The Commissioner of Public Works and the Chief Information Officer have identified a need and made a recommendation to the Tioga County Legislature for the improvement of Security facilities by means of a Security Camera and Automated Building Access Control Systems upgrades at 477 NY-96, Owego, NY (Public Works and Highway Departments), 68 Temple Street, Owego, NY (Buildings and Grounds), and 71 Delphine Street, Owego NY (Truck Wash Facility); and

WHEREAS: American Rescue Plan Act "ARPA" funds have been budgeted in the Tioga County 2023 Capital Budget for use specifically as designated by the Tioga County Legislature for Building Construction within Tioga County; and

WHEREAS: Upon the successful receipt and review of the One Time ARPA request form(s), both the Legislative Chair and the ARPA Fund Administrator have granted their approval of the form, and have submitted the request to the Tioga County Legislature for final review and approval; and

WHEREAS: The Tioga County Legislature shall oversee and authorize all ARPA expenditures whether budgeted or not; therefore be it

RESOLVED: That invoices related to the Security Upgrades for 477 NY-96, Owego, NY (Public Works and Highway Departments), 68 Temple Street, Owego, NY (Buildings and Grounds), and 71 Delphine Street, Owego NY (Truck Wash Facility) to be paid with ARPA funds from the following account for no more than the amount requested:

From: **H1620 520994 M7674** **Building Construction – ARPA** **\$85,685.40**

REFERRED TO: LEGISLATIVE WORKSESSION
FINANCE COMMITTEE

RESOLUTION NO. -23 RE-ESTABLISH PRIOR YEAR ARPA
OPERATING & CAPITAL APPROPRIATIONS

WHEREAS: American Rescue Plan Act "ARPA" Funds have been granted to Tioga County by the US Treasury in 2021 in the total amount of \$9,362,868; and

WHEREAS: As of 12/31/2022 there is approximately \$7,000,662 in unspent ARPA funds; and

WHEREAS: It has been determined by the US Treasury that ARPA funds granted shall be considered obligated by calendar year end 2024, and expended by the end of calendar year 2026, therefore be it

RESOLVED: That the following accounts and amounts be

re-established: Operational Appropriations

A6510 540640 M7674 SUPPLIES (NOT OFFICE) \$25,000.00
Funding to Tioga County Veterans Admin for Suicide Prevention Efforts

A1325 540429 M7674 OUTSIDE SUPPORT \$250,000.00
Outside Support for Veterans/Men's Transitional Housing

A1680 540140 M7674 CONTRACTING SERVICES \$378,740.00
Broadband Upgrades

A1680 540140 M7674 CONTRACTING SERVICES \$149,910.92
Ortho Imagery Mapping Services

Capital Appropriations

H1620 521230 M7674 RADIO & EQUIPMENT \$4,000,000.00
Radio Tower Communications Upgrades

H1620 520994 M7674 BUILDING CONSTRUCTION \$929,097.00
Truck Wash Facility

H1680 520620 M7674 SOFTWARE EXPENSE \$50,000.00
IT – Access Control Upgrades

H1680 520620 M7674 SOFTWARE EXPENSE \$20,000.00
IT – Multi-Factor Authorization Upgrades

H1620 520911 M7674 RENOVATIONS 56 MAIN Security Hardware & Facility Upgrades for 56 Main	\$167,228.69
---	--------------

H1620 520926 M7674 HVAC CONTROL SYSTEM HVAC System Upgrades	\$327,648.03
--	--------------

H1620 520927 M7674 COURT ANNEX RENOVATIONS Court Annex Renovations	\$150,000.00
---	--------------

2023 Budget Authorizations – Amounts included in the 2023 Adopted
Budget to be authorized for spending

C18042 540140 M7674 CONTRACTING SERVICES Security Guard Expenses – 56 Main	\$161,000.00
---	--------------

A1340 510050 M7674 ALL OTHER ARPA Fund Administrator Stipend	\$5,000.00
---	------------

REFERRED TO:

HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. -23

APPROPRIATION OF FUNDS
BUDGET MODIFICATION 2022
MENTAL HYGIENE

WHEREAS: Tioga County Mental Hygiene (TCMH) has been allocated additional pass-through state aid funding for the purpose of Alcohol and Substance Abuse Prevention; and

WHEREAS: TCMH has contracted with Tompkins-Seneca-Tioga BOCES to provide these services to Tioga County residents; and

WHEREAS: TCMH will incur no local share increase, yet this will require an appropriation of funds into the proper account codes; and

WHEREAS: The appropriation of funds requires Legislative approval; therefore be it

RESOLVED: That funding be appropriated and 2022 budget modified as follows:

From: A4211 434861	State Aid Council on Alcoholism	\$ 2,593.00
To: A4211 540590	Services Rendered	\$ 2,593.00

REFERRED TO:

HEALTH & HUMAN SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. -23

APPROPRIATION OF FUNDS
BUDGET MODIFICATION 2022
MENTAL HYGIENE

WHEREAS: Tioga County Mental Hygiene (TCMH) has been allocated additional pass through state aid funding for the purpose of Alcohol and Substance Abuse Prevention; and

WHEREAS: TCMH has contracted with the Council on Alcohol and Substance Abuses of Livingston County, d.b.a. Trinity to provide these services to Tioga County residents; and

WHEREAS: TCMH will incur no local share increase, yet this will require an appropriation of funds into the proper account codes; and

WHEREAS: The appropriation of funds requires Legislative approval; therefore be it

RESOLVED: That funding be appropriated and 2022 budget modified as follows:

From: A4211 434861	State Aid Council on Alcoholism	\$ 9,015.00
To: A4211 540590	Services Rendered	\$ 9,015.00

REFERRED TO:

ADMINISTRATIVE SERVICES COMMITTEE
FINANCE/LEGAL COMMITTEE

RESOLUTION NO. -23

TRANSFER OF FUNDS
2022 BUDGET MODIFICATION
VETERANS' SERVICE AGENCY

WHEREAS: The Tioga County Veteran Services' Agency (TCVSA) was in need of an LCD projector to be used for outreach with veterans, military and their families; and

WHEREAS: The TCVSA shall be utilizing funds as allowed by ARPA program guidelines to pay for the projector; and

WHEREAS: Amending of Budget and Transfer of Funds requires Legislative approval; therefore be it

RESOLVED: That TCVSA budget be modified, and the following sums be transferred within the TCVSA budget to cover the costs of said office equipment:

From: A6510 540640 M7674	ARPA Supplies (Not Office)	\$ 499.99
To: A6510 520130 M7674	ARPA Equipment (Not Car)	\$ 499.99

REFERRED TO:

PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. -23

MODIFY 2023 BUDGET AND
APPROPRIATION OF FUNDS
OFFICE OF EMERGENCY SERVICES

WHEREAS: Legislative approval is needed to modify the 2023 budget and appropriation of funds; and

WHEREAS: The Office of Emergency Services has a need to lease storage space for the ongoing radio tower project equipment and funds need to be appropriated to pay said lease; therefore be it

RESOLVED: That the 2023 budget be modified and appropriation of funds be made as follows:

FROM:	A3021.411401	E911 Surcharge Upgrade	\$26,280
TO:	A3021.540320.E911	Lease/Service	\$26,280

REFERRED TO: ED&P COMMITTEE
PUBLIC SAFETY COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. -23 ACCEPT FEMA GRANT AND
APPROPRIATION OF FUNDS
HAZARDOUS MITIGATION PLANNING
GRANT (HMP23) MODIFY 2023 BUDGET
EMERGENCY MANAGEMENT

WHEREAS: The New York State Division of Homeland Security and Emergency Services (DHSES) has been awarded a grant under the Federal Emergency Management Agency (FEMA) in the amount of \$100,000; and

WHEREAS: \$90,000 of said grant is federal share and \$10,000 is local share which has been budgeted under Planning's account A8020.540140; and

WHEREAS: Resolution #92-22 authorized the submission of the Hazardous Mitigation Planning Grant application; and

WHEREAS: Resolution #259-22 authorized the submission of the grant which was modified to reflect a 10% local share rather than a 25% local share; and

WHEREAS: Acceptance of grant funding and appropriation of funds requires Legislative approval; therefore be it

RESOLVED: That the 2023 Emergency Management budget be appropriated as follows:

A3360.443566.HMP23 Hazardous Mitigation Revenue \$90,000

A3360.540140.HMP23 Hazardous Mitigation – Contracting Services \$90,000

And be it further

RESOLVED: That the 2023 Emergency Management budget be modified to reflect the above changes and that the year-end balances be carried forward to the next year;

And be it further

RESOLVED: That the Tioga County Legislature hereby accepts said grant funding and authorizes the Chair of the Legislature to sign any and all grant- related paperwork.

REFERRED TO:

PUBLIC WORKS COMMITTEE

RESOLUTION NO. -23

AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS

WHEREAS: A project for the Tioga County Bridge Preventative Maintenance Program Phase 9 (FFY 23), PIN 9754.58 (the Project) is eligible for funding under Title 23 U.S. Code, as amended that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal Funds and 20% non-Federal Funds; and

WHEREAS: The County of Tioga desires to advance the Project by making a commitment of 100% of the Federal and non-Federal share of the costs of the Preliminary Engineering / Design work.

NOW, THEREFORE, the Tioga County Legislature, duly convened does hereby

RESOLVED: That the Tioga County Legislature hereby approves the above-subject project; and it is hereby further

RESOLVED: That the Tioga County Legislature hereby authorized the County of Tioga to pay in the first instance 100% of the Federal and non-Federal share of the cost of the Preliminary Engineering / Design work for the Project or portions thereof; and it is further

RESOLVED: That the sum of \$10,000 is hereby appropriated from account D5110.540050 and made available to cover the costs of participation in the above phases of the Project; and it is further

RESOLVED: That in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the Tioga County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon notification by the New York State Department of Transportation thereof, and it is further

RESOLVED: That the Chair of the Tioga County Legislature of the County of Tioga be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid

and/or Marchiselli Aid on behalf of the County of Tioga with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED: That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED: That this Resolution shall take effect immediately.

REFERRED TO:

PUBLIC WORKS COMMITTEE

RESOLUTION NO. -23

APPROVE CHANGE ORDER FOR HVAC
PROJECT AT COUNTY OFFICE BUILDING

WHEREAS: The installation of the HVAC at the County Office Building was awarded to Postler & Jaeckle Corporation via Resolution 157-22; and

WHEREAS: A change order was submitted due to additional work that was unforeseen; therefore be it

RESOLVED: That the Tioga County Legislature authorize additional funds to be appropriated for this change order not to exceed \$6,570 to be paid out of the Renovations – 56 Main Street Account H1620.520911

REFERRED TO:

ADMINISTRATIVE SERVICES COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. -23

ACCEPT REIMBURSEMENT FROM ABSENTEE
BALLOT PRE-PAID POSTAGE GRANT AND
AMEND 2022 BUDGET

WHEREAS: The Tioga County Board of Elections (BOE) was authorized by the County Legislature in September 2022 to apply for the 2022 Absentee Ballot Pre-Paid Postage state-aid grant administered by the New York State (NYS) BOE; and

WHEREAS: The BOE applied for said grant and the application was approved by NYS Office of General Services in December 2022; and

WHEREAS: The BOE is now eligible for reimbursement of absentee-related costs of up to \$18,826.45 for expenses made during the contract period of July 1, 2022 through December 31, 2022; therefore be it

RESOLVED: That the Tioga County BOE is authorized to receive reimbursement of up to \$18,826.45 from the NYS BOE for 2022 absentee-related expenses, and that the 2022 budget be modified to appropriate funds to the following account:

A1450-439060	State Aid-Elections	\$18,826.45
--------------	---------------------	-------------

REFERRED TO:

ITCS COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. -23

AUTHORIZE MULTI-YEAR PREPAYMENT OF
SUBSCRIPTION TO ACHIEVE SAVINGS

WHEREAS: The County Information Technology and Communications Services Department regularly pays multiple service contracts, maintenance contracts and software subscriptions annually; and

WHEREAS: The ITCS Department has identified cost savings and discounts that are available if the County agrees to pre-pay these agreements in advance; and

WHEREAS: The ITCS Department has identified the following agreement meeting the criteria of eligibility for multi-year cost savings:

- Sophos Central Advanced with Advanced Intercept X for Ransomware
- Sophos Central Endpoint "AD" Advanced with Advanced Intercept X for Ransomware

And

WHEREAS: A one-year subscription for this software would cost \$16,506.50; and

WHEREAS: A three-year pre-paid subscription would cost \$32,375.70, saving the County \$17,143.80; therefore be it

RESOLVED: That the Tioga County Legislature authorizes the Chief Information Officer to engage in a three-year subscription pre-paying this amount against future budget years for the above-listed items when appropriate to achieve cost savings after review by the County Attorney and when approved as part of the ITCS annual budget; and be it further

RESOLVED: That the funds for the above subscription is paid from the A1680 540620 account in terms not to exceed a maximum of three years in length; and be it further

RESOLVED: That the Chief Information Officer shall track the savings achieved for reporting as requested.

REFERRED TO: ITCS COMMITTEE
PERSONNEL COMMITTEE
FINANCE COMMITTEE

RESOLUTION NO. -23 TRANSFER FUNDS TO FUND AND FILL
VACANT NETWORK ADMINISTRATOR
POSITION WITHIN INFORMATION
TECHNOLOGY AND COMMUNICATION
SERVICES DEPARTMENT

WHEREAS: The Information Technology and Communication Services Department currently has a vacant and unfunded Network Administrator position; and

WHEREAS: The Chief Information Officer has identified a need to fill the vacant and unfunded Network Administrator position; and

WHEREAS: Legislative approval is needed to amend the ITCS 2023 Operational Budget and transfer funds; therefore be it

RESOLVED: That the Tioga County Legislature authorize the following transfer of funds and amend the ITCS 2023 Operational Budget:

From: A1680 540140	Contracting Services	\$48,880.00
A1680 540320	Leased / Service Equipment	\$2,000.00
A1680 540420	Office Supplies	\$500.00
A1680 540660	Telephone	\$10,000.00
A1680 540733	Training / All Other	\$3,800.00
To: A1680 510010	Full Time	\$65,180.00

And be it further

RESOLVED: That the Chief Information Officer shall be allowed to recruit and fill the Network Administrator Position within the Management/Confidential annual salary range of \$57,135 - \$67,135, effective January 1, 2023.

REFERRED TO:

ITCS COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. -23

AUTHORIZE CREATION AND FILLING OF
TEMPORARY POSITION (INFORMATION
TECHNOLOGY AND COMMUNICATION
SERVICES DEPARTMENT)

WHEREAS: The GIS Manager position will become vacant upon the retirement of the current incumbent, William Ostrander; and

WHEREAS: The Chief Information Officer has implemented a succession plan which includes the current GIS Technician, Bryan Goodrich, transferring into the GIS Manager position; and

WHEREAS: The Chief Information Officer would like to have an opportunity for the GIS Technician, Bryan Goodrich to work with Mr. Ostrander for a period of time in order to transition the workload; and

WHEREAS: In order to accomplish this, a temporary position needs to be created; therefore be it

RESOLVED: That the Tioga County Legislature hereby authorizes the creation of a temporary GIS Technician position effective February 1, 2023; and be it further

RESOLVED: That the Chief Information Officer shall be allowed to recruit and fill said temporary position on or after January 11, 2023 through April 1, 2023, at an hourly rate of \$25.55.

REFERRED TO:

FINANCE/LEGAL COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. -23

CREATE AND FILL TEMPORARY, PART-TIME
PARALEGAL (SEASONAL) POSITION
DISTRICT ATTORNEY'S OFFICE

WHEREAS: Legislative approval is required for the creation of any new positions within Tioga County; and

WHEREAS: The District Attorney's Office has a need to hire a temporary, part-time Paralegal to work during the first eight months of the year to provide paralegal support within the office; and

WHEREAS: The District Attorney's Office has budgeted for a part-time Confidential Assistant position in the approved 2023 budget that remains unfilled; therefore be it

RESOLVED: That one temporary, part-time Paralegal (Seasonal) position be created with authorization to fill effective January 1, 2023 – August 31, 2023; and be it further

RESOLVED: That the wage for this temporary position shall be \$18.83/hour.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. -23 AMEND RESOLUTION 286-22;
CREATE AND FILL SEASONAL SOCIAL
WELFARE EXAMINER POSITIONS AND
SEASONAL OFFICE SPECIALIST I POSITIONS
FOR THE HEAP PROGRAM
DEPARTMENT OF SOCIAL SERVICES

WHEREAS: Resolution 286-22 authorized the creation and filling of three Office Specialist I (Seasonal) positions for the HEAP Program within the Department of Social Services; and

WHEREAS: The Department of Social Services only filled two of the three requested positions:

Penny Walker was hired as a full-time seasonal Office Specialist I for the period October 11, 2022, through February 24, 2023, at the starting salary of \$13.20 per hour, and

Nancy Leonard was hired as a full-time, seasonal Office Specialist I for the period October 24, 2022, through January 27, 2023, at the starting salary of \$13.20 per hour; and

WHEREAS: The Department has a need to extend the end dates of both of these positions to ensure adequate coverage until the end of the HEAP Program and the Department's budget allows for such; and

WHEREAS: The NYS Minimum Wage is scheduled to increase on December 31, 2022, to a rate to be published by the Commissioner of Labor on or before October 1, 2022, and Tioga County intends to pay at least minimum wage so the hourly rates for Office Specialist I positions will be adjusted accordingly as of December 31, 2022; therefore be it

RESOLVED: That Resolution 286-22 be amended to reflect the end date extension for Penny Walker from February 24, 2023 to March 10, 2023 and Nancy Leonard end date from January 27, 2023 to February 24, 2023 at the 2023 NYS Minimum Wage of \$14.20 per hour.

REFERRED TO:

FINANCE, LEGAL AND SAFETY COMMITTEE
PERSONNEL/ADA COMMITTEE

RESOLUTION NO. -23

AMEND RESOLUTION 277-06;
APPOINT ADA COORDINATOR

WHEREAS: Resolution 277-06 was adopted on December 12, 2006 naming the Safety Officer and the Personnel Officer to serve as the County's ADA Coordinators; and

WHEREAS: Upon the resignation of Dawn Thorpe, Safety Officer, and the retirement of Bethany O'Rourke, Personnel Officer, a new ADA Coordinator must be appointed; therefore be it

RESOLVED: That Kevin Humes, Paralegal with the Law Department, be and hereby is appointed ADA Coordinator for Tioga County; and be it further

RESOLVED: That in the event he is unable to act for any reason, the County Attorney is hereby designated to act in his stead; and be it further

RESOLVED: That upon the hiring of a Safety Officer that person will be appointed as the second ADA Coordinator.

REFERRED TO:

FINANCE, LEGAL AND SAFETY COMMITTEE
PERSONNEL/ADA

RESOLUTION NO. -23

APPOINT TITLE VI COORDINATOR

WHEREAS: Upon the retirement of Bethany O'Rourke, Tioga County Personnel Officer, who also served as the Title VI Coordinator, a new Title VI Coordinator must be appointed; and

WHEREAS: Linda Parke has been appointed the Tioga County Personnel Officer; therefore be it

RESOLVED: That Linda Parke be and hereby is appointed Title VI Coordinator for Tioga County.

REFERRED TO:

LEGAL/FINANCE COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. -23

ABOLISH TWO PART-TIME PARALEGAL
POSITIONS AND CREATE ONE FULL-TIME
OFFICE SPECIALIST III
PUBLIC DEFENDER'S OFFICE

WHEREAS: Legislative approval is required to abolish and create any position within a Tioga County department or office; and

WHEREAS: The Public Defender has determined that he can better address staffing needs and workload by abolishing two (2) current part-time Paralegal positions; therefore be it

RESOLVED: That the current two (2) part-time Paralegal positions (\$18.02/hr) be abolished effective January 30, 2023; and be it further

RESOLVED: That one (1) full-time Office Specialist III position (\$39,041-\$40,041 CSEA SG VII) shall be created effective January 30, 2023; and be it further

RESOLVED: That the Public Defender is authorized to provisionally appoint Amanda Pullano to the full-time Office Specialist III at an annual salary of \$39,041 effective January 30, 2023, pending successful completion of civil service examination requirements; and be it further

RESOLVED: That the Public Defender's 2023 authorized full-time headcount shall increase to 6 and his part-time headcount shall decrease to 4.

REFERRED TO:

HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. - 23

AUTHORIZE SALARY ABOVE CSEA BASE FOR
CASE SUPERVISOR, GRADE B (DONNA
CORBIN)

WHEREAS: Legislative approval is required to hire above the established CSEA salary base; and

WHEREAS: The Commissioner of Social Services appointed Donna Corbin as Case Supervisor, Grade B (2022 CSEA SG XIV \$53,384 - \$54,384) at a salary of \$53,384 on December 19, 2022; and

WHEREAS: Donna Corbin has eighteen years of prior relevant work experience; therefore be it

RESOLVED: That Donna Corbin's 2023 CSEA salary be increased to \$55,986 (2023 CSEA SG XIV \$54,986-\$55,986) retroactive to January 1, 2023.

REFERRED TO:

PUBLIC SAFETY COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. -23

APPOINTMENT OF
ADMINISTRATIVE CORONER

WHEREAS: The Tioga County Coroners have selected an Administrative Coroner for 2023; and

WHEREAS: Such Administrative Coroner will perform the supervisory duties of managing their budget, paying the bills, and various office functions of the Coroner's office; and

WHEREAS: The Administrative Coroner will have no supervisory authority over the other Coroners; therefore be it

RESOLVED: That W. Stewart Bennett, Tioga County Coroner, has been selected by the four duly elected County Coroners to be designated as the Administrative Coroner for 2023 and be given a stipend of \$10,000 as set forth in the County budget.

REFERRED TO: HEALTH & HUMAN SERVICES COMMITTEE
PERSONNEL COMMITTEE

RESOLUTION NO. -23 AUTHORIZE INTERIM APPOINTMENT AND
SALARY INCREASE
(PUBLIC HEALTH)

WHEREAS: The Public Health Director position will become vacant at the end of the day January 10, 2023; and

WHEREAS: The State Health Department requires that an interim Director be named; and

WHEREAS: The County Legislature would like to appoint the Deputy Director to the role of interim Director effective January 11, 2023 and offer additional compensation in recognition of the additional responsibility; and

WHEREAS: The County Legislature recognizes the Deputy Director's years and commitment toward Public Health, especially throughout the Covid-19 pandemic; therefore be it

RESOLVED: That Heather Vroman is hereby appointed interim Public Health Director effective January 11, 2023 with an annual salary adjustment of \$10,000; and be it further

RESOLVED: That upon permanent appointment of a Public Health Director, Ms. Vroman's salary shall be returned to \$76,625 as Deputy Director, if not appointed Director.

REFERRED TO:

PERSONNEL COMMITTEE
LEGISLATIVE WORKSESSION
LEGAL/FINANCE COMMITTEE

RESOLUTION NO. -23

2023 STAFF CHANGES
LAW DEPARTMENT

WHEREAS: Legislative approval is required to create and fill any position within Tioga County; and

WHEREAS: The Law Department has identified the need for an additional part-time Assistant County Attorney position to handle the increase in juvenile cases and has requested staffing changes as part of the 2023 Budget process; therefore be it

RESOLVED: That the part-time position of 4th Assistant County Attorney is hereby created effective January 1, 2023; and be it further

RESOLVED: That the County Attorney is authorized to appoint Ronald Lanouette, Jr. at an annual salary of \$38,500 per year effective January 17, 2023; and be it further

RESOLVED: That the Law Department's authorized part-time headcount is increased from one (1) to two (2).

REFERRED TO: PERSONNEL COMMITTEE
LEGISLATIVE WORKSESSION
FINANCE, LEGAL & SAFETY COMMITTEE

RESOLUTION NO. -23 AMEND RESOLUTION 193-18;
ADOPTION OF TIOGA COUNTY TITLE VI
PLAN, ENVIRONMENTAL JUSTICE PLAN,
LIMITED ENGLISH PROFICIENCY PLAN, DATA
COLLECTION PLAN, ADA TRANSITION PLAN
AND EMPLOYEE TRAINING PLAN

WHEREAS: The Tioga County Legislature adopted the Tioga County Title VI Plan, Environmental Justice Plan, Limited English Proficiency Plan, Data Collection Plan, ADA Transition Plan, and Employee Training Plan by way of Resolution 193-18 on August 17, 2018; and

WHEREAS: The County's Equal Employment Opportunity/Affirmative Action/ADA Policy in the Employee Handbook is incorporated in the adopted Tioga County Title VI Plan; and

WHEREAS: Tioga County's Title VI Plan requires an annual review of Title VI for necessary updated data, documentation, including demographic data mapping of ethnicity by area; and

WHEREAS: The Title VI Plan, the Environmental Justice Plan, the Limited English Proficiency (LEP) Plan, and the Equal Employment Opportunity/Affirmative Action/ADA Policy warrants revisions in several areas and updated environmental information; therefore be it

RESOLVED: That Resolution 193-18, the Tioga County Title VI Plan, is hereby amended as follows:

- Updated Tioga County Title VI Plan Content Page
 - Updated Tioga County Title VI Plan/Nondiscrimination Policy Statement, attachments, and appendixes to reflect nondiscriminatory language.
 - Updated Tioga County Title VI Reporting Page and forms with the removal of retired Personnel Officer Bethany O'Rourke's name and email and replaced with current Personnel Officer Linda Parke's name and email address and the removal of retired Safety Officer William Kenville's name and replaced with Safety Officer.
 - Updated Tioga County Title VI Plan Complaint Form
 - Updated Tioga County Title VI Plan Attachment 4 "Tioga County Title VI Nondiscrimination Policy Statement" to include related policy
-

- and authoritative sources, New York executive orders, and federal laws and executive orders
- Updated Tioga County Title VI Plan Environmental Justice Plan Introduction to include nondiscriminatory language and “Identification of Minority, Low Income and Handicapped Populations” section, which now includes the statement “This data can be found in the Tioga County 2020 Strategic Plan.”
 - Updated Tioga County Title VI Plan Limited English Proficiency (LEP) Plan to now include updated data for individuals who have limited English proficiency, and the addition of two forms; “LEP Tracking Form A: Use of Free Interpreter/Translator Services” and “LEP Form B: Waiver of Rights to Free Interpreter/Translator Services”
 - Remove Section 50: Workplace Violence Prevention Policy and Discriminatory Harassment Policy from the original Tioga County Title VI Plan;

And be it further

RESOLVED: That the remainder of the Tioga County Title VI Plan remains unchanged.

REFERRED TO:

LEGISLATIVE WORKSESSION
FINANCE/LEGAL/SAFETY COMMITTEE

RESOLUTION NO. -23

AMEND EMPLOYEE HANDBOOK:
ADD NEW POLICY TO NEW SECTION XII.
ENTITLED SECTION 3 PLAN FOR TIOGA
COUNTY

WHEREAS: The United States Congress passed Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (Section 3) to further the goal of ensuring that federal funds benefit the residents of projects funded wholly or in part by those funds; and

WHEREAS: Part 135 of Section 3 is to establish the standards and procedures to be followed to ensure that the objectives of Section 3 are met; and

WHEREAS: The County Attorney has developed a Section 3 Plan in adherence to 24 CFR, Part 135 that comprehensively addresses the standards and procedures prescribed in the Act; therefore be it

RESOLVED: That the Tioga County Legislature authorizes adoption and implementation of the Section 3 Plan for Tioga County to ensure compliance with Federal Law; and be it further

RESOLVED: That the Employee Handbook is hereby amended to add a new policy to new Section XII., entitled Section 3 Plan for Tioga County.

Section 3 Plan Tioga County



Version Number	Date Updated	Summary of Changes
----------------	--------------	--------------------

1.0	12/2022	Initial Plan
-----	---------	--------------

Section 3 Plan

- Overview of Section 3 Requirements
- What is Section 3?
- Purpose of this document
- Applicability
- Section 3 Coordinator
- Employment, Training and Contracting Goals
- Safe Harbour Compliance
- Safe Harbour Benchmarks
- Certification of Prioritization of Effort for Employment, Training and Contracting
- Section 3 Eligibility and Certifications
- Section 3 Worker and Targeted Section 3 Worker Certification
- Section 3 Business Concern Certification
- Assisting Contractors with Achieving Section 3 Goals
- Section 3 Outreach
- Outreach Efforts for Employment and Training
- Outreach Efforts for Contracting
- Section 3 Contracting Policy and Procedure
- Section 3 Provisions/Contract Language
- Reporting Requirements
- Monthly Reporting
- Annual Reporting
- Reporting on Projects with Multiple Funding Sources
- Internal Section 3 Complaint Procedure
- Appendices

Overview of Section 3 Requirements

WHAT IS SECTION 3?

Section 3 is a provision of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) that is regulated by the provisions of 24 CFR 75. Section 3 regulations ensure that employment and other economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, State and local laws and regulations, be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to low- and very low-income persons.

PURPOSE OF THIS DOCUMENT

This plan outlines how Tioga County and its subrecipients, contractors and subcontractors will comply with HUD's Section 3 requirements in implementing Tioga County's HUD funded programs. Tioga County will, to the greatest extent feasible, ensure that employment and other economic opportunities are directed to low- and very low-income persons (Section 3 workers and Targeted Section 3 workers) and to eligible businesses (Section 3 Businesses) and requires the same of its contractors.

Tioga County may amend its Section 3 Policies and Procedures document as necessary to ensure continued compliance with HUD's requirements and/or to reflect updated Section 3 guidance and outreach strategies.

APPLICABILITY

For public housing financial assistance, all funding is covered, regardless of the amount of expenditure or size of a contract. This plan applies to development assistance, operating funds, capital funds, and all mixed-finance development.

For housing and community development financial assistance, this plan applies to housing rehabilitation, housing construction, and other public construction projects that exceed \$200,000 or more of housing and community development financial assistance from one or more HUD programs. Applicability is determined at the project level.

For projects funded with Lead and Hazard Control and Healthy Homes Programs, this plan applies to projects that exceed \$100,000.

This plan also applies to projects that include multiple funding sources. Multiple funding source projects include projects that include public housing financial assistance, housing and community development financial assistance for single or multiple recipients, and the Lead Hazard Control and Healthy Homes Program.

Section 3 requirements **do not** apply to: 1) Material Supply Contracts - § 75.3(b), 2) Indian and Tribal Preferences - § 75.3(c), and 3) Other HUD assistance and other Federal assistance not subject to Section 3 §75.3 (d). However, for financial assistance that is not subject to Section 3, recipients are encouraged to consider ways to support the purpose of Section 3.

Section 3 Coordinator

Tioga County's Section 3 Coordinator serves as the central point of contact for Section 3 compliance for Tioga County's and its subrecipients, contractors and subcontractors supporting the program. Subrecipients, contractors, subcontractors and others are encouraged to reach out to Tioga County's Section 3 Coordinator with questions regarding Section 3 compliance.

Employment, Training, and Contracting Goals

SAFE HARBOUR COMPLIANCE

Tioga County will be considered to have complied with the Section 3 requirements and met safe harbour, if they certify that they followed the required prioritization of effort and met or exceeded the Section 3 benchmarks, absent evidence of the contrary.

Prior to the beginning of work, contractors and subcontractors will be required to certify that they will follow the required prioritization of effort for Section 3 workers, Targeted Section 3 workers, and Section 3 business concerns as outlined below in [section C](#). After completion of the project, on the Section 3 Cumulative Report, contractors and subcontractors will be required to certify that they followed the prioritization of effort requirements.

If the contractor and subcontractor does not meet the safe harbour requirements, they must provide evidence that they have made qualitative efforts to assist low- and very low-income persons with employment and training opportunities.

SAFE HARBOUR BENCHMARKS

Tioga County has established employment and training goals that subrecipients, contractors, and subcontractors should meet in order to comply with Section 3 requirements outlined in 24 CFR Part 75.9 - for public housing financial assistance or 24 CFR Part 75.19 - for housing and community development financial assistance. The safe harbour benchmark goals are as follows:

(for public housing financial assistance)

- 1) Twenty-five (25) percent or more of the total number of labor hours worked by all workers employed with public housing financial assistance in the PHA's fiscal year are Section 3 workers;

Section 3 Labor Hours/Total Labor Hours = 25%

And

- 2) Five (5) percent or more of the total number of labor hours worked by all workers employed with public housing financial assistance in the PHA's fiscal year are Targeted Section 3 workers, as defined at 24 CFR Part 75.11.

Targeted Section 3 Labor Hours/Total Labor Hours = 5%

(for housing and community development financial assistance)

- 1) Twenty-five (25) percent or more of the total number of labor hours worked by all workers on a Section 3 project are Section 3 workers;
-

Section 3 Labor Hours/Total Labor Hours = 25%

And

- 2) Five (5) percent or more of the total number of labor hours worked by all workers on a Section 3 project are Targeted Section 3 workers, as defined at 24 CFR Part 75.21.

Targeted Section 3 Labor Hours/Total Labor Hours = 5%

HUD establishes and updates Section 3 benchmarks for Section 3 workers and/or Targeted Section 3 workers through a document published in the Federal Register, not less frequently than once every 3 years. Given that the Section 3 benchmarks are subject to change every three years or sooner, Tioga County will review and update the Section 3 Plan every 3 years or as needed.

It is the responsibility of contractors to implement efforts to achieve Section 3 compliance. Any contractor that does not meet the Section 3 benchmarks must demonstrate why meeting the benchmarks were not feasible. All contractors submitting bids or proposals to Tioga County are required to certify that they will comply with the requirements of Section 3.

CERTIFICATION OF PRIORITIZATION OF EFFORT FOR EMPLOYMENT, TRAINING, AND CONTRACTING

EMPLOYMENT AND TRAINING

Under the Tioga County's Section 3 Program, contractors and subcontractors should make best efforts to provide employment and training opportunities to Section 3 workers in the priority order listed below:

(for public housing financial assistance)

- 1) To residents of the public housing projects for which the public housing financial assistance is expended;
- 2) To residents of other public housing projects managed by the PHA that is providing the assistance or for residents of Section 8-assisted housing managed by the PHA;
- 3) To participants in YouthBuild programs; and
- 4) To low- and very low-income persons residing within the metropolitan area (or non-metropolitan county) in which the assistance is expended.

(for housing and community development financial assistance)

Provide employment and training opportunities to Section 3 workers within the metropolitan area (or non-metropolitan county) in which the project is located in the priority order listed below:

- 1) Section 3 workers residing within the service area or the neighborhood of the project, and
 - 2) Participants in YouthBuild programs.
-

Contractors and subcontractors will be required to certify that they will and have made best efforts to follow the prioritization of effort requirements prior to the beginning work and after work is completed.

CONTRACTING

Under the Tioga County's Section 3 Program, contractors and subcontractors must make their best efforts to award contracts and subcontracts to business concerns that provide economic opportunities to Section 3 workers in the following order or priority:

(for public housing financial assistance)

- 1) Section 3 business concerns that provide economic opportunities for residents of public housing projects for which the assistance is provided;
- 2) Section 3 business concerns that provide economic opportunities for residents of other public housing projects or Section-8 assisted housing managed by the PHA that is providing assistance;
- 3) YouthBuild programs; and
- 4) Section 3 business concerns that provide economic opportunities to Section 3 workers residing within the metropolitan area (or non-metropolitan county) in which the assistance is provided.

(for housing and community development financial assistance)

- 1) Business concerns that provide economic opportunities to Section 3 workers residing within the metropolitan area (or non-metropolitan county) in which assistance is located in the following order of priority (*where feasible*):
 - a) Section 3 business concerns that provide economic opportunities to Section 3 workers residing within the service area or the neighborhood of the project; and
 - b) YouthBuild programs.

Contractors and subcontractors will be required to certify that they will and have made best efforts to follow the prioritization of effort requirements prior to the beginning work and after work is completed.

Section 3 Eligibility and Certifications

Individuals and businesses that meet Section 3 criteria may seek Section 3 preference from Tioga County or its contractors/subcontractors for training, employment, or contracting opportunities generated by public housing financial assistance or housing and community development financial assistance. To qualify as a Section 3 worker, Targeted Section 3 worker or a Section 3 business concern, each must self-certify that they meet the applicable criteria.

Businesses who misrepresent themselves as Section 3 business concerns and report false information to Tioga County may have their contracts terminated as default and be barred from ongoing and future considerations for contracting opportunities.

SECTION 3 WORKER AND TARGETED SECTION 3 WORKER CERTIFICATION

A Section 3 worker seeking certification shall submit self-certification documentation to the recipient contractor or subcontractor, that the person is a Section 3 worker or Targeted Section 3 worker as defined in 24 CFR Part 75. For the purposes of Section 3 worker eligibility, Tioga County will use individual income rather than family/household income to determine eligibility. The income limits will be determined annually using the guidelines published at <https://www.huduser.org/portal/datasets/il.html>.

Persons seeking the Section 3 worker preference shall demonstrate that it meets one or more of the following criteria currently or when hired within the past five years, as documented:

- 1) A low- or very low-income resident (the worker's income for the previous or annualized calendar year is below the income limit established by HUD); or
- 2) Employed by a Section 3 business concern; or
- 3) A YouthBuild participant.

Persons seeking the Targeted Section 3 worker preference shall demonstrate that it meets one or more of the following criteria:

(for public housing financial assistance)

- 1) Employed by a Section 3 business concern or
- 2) Currently meets or when hired met at least one of the following categories as documented within the past five years:
 - a) A resident of public housing; or
 - b) A resident of other public housing projects or Section 8-assisted housing; or
 - c) A YouthBuild participant.

(for housing and community development assistance)

- 1) Employed by a Section 3 business concern; or
- 2) Currently meets or when hired met at least one of the following categories as documented within the past five years:
 - a) Living within the service area or the neighborhood of the project, as defined in 24 CFR Part 75.5; or
 - b) A YouthBuild participant.

Section 3 workers and Targeted Section 3 workers who are seeking preference in training and employment must submit the Section 3 Worker and Targeted Section 3 Worker Certification Form. The certification procedure will consist of the following:

PROJECTS INVOLVING MULTIPLE SOURCES OF FUNDING

In cases where Section 3 covered projects include multiple sources of funds, including public housing financial assistance and housing and community development assistance, Public Housing Authorities must follow the definition of Targeted Section 3 worker and priorities as outlined in subpart B of Part 75. For housing and community development financial assistance, Tioga County may follow either subpart B or subpart C of Part 75.

In cases where Section 3 covered projects include multiple housing and development funding sources (financial assistance) from single or multiple recipients, Tioga County will follow subpart C of Part 75. Refer to chart in [Appendix B](#).

SECTION 3 BUSINESS CONCERN CERTIFICATION

Tioga County, should encourage contractors and subcontractors to make best efforts to award contracts and subcontracts to Section 3 business concerns.

Businesses that believe they meet the Section 3 Business requirements may self-register in the HUD Business registry, here: <http://www.hud.gov/Sec3Biz>. Businesses may seek Section 3 Business Concern preference by demonstrating that it meets one or more of the following criteria:

- 1) At least 51 percent of the business is owned and controlled by low- or very low-income persons; or
- 2) At least 51 percent of the business is owned and controlled by current public housing residents or residents who currently live in Section 8-assisted housing; or
- 3) Over 75 percent of the labor hours performed for the business over the prior three-month period are performed by Section 3 workers.

Businesses that seek Section 3 preference shall certify, or demonstrate to Tioga County, contractors or subcontractors, that they meet the definitions provided in the above. Businesses may demonstrate eligibility by submitting the Section 3 Business Concern Certification Form.

Section 3 Business Concern Certification Forms must be submitted at the time of bid/proposal. If Tioga County previously approved the business concern to be Section 3 certified, then the certification can be submitted along with the bid, as long as the form is submitted within the prescribed expiration date. The Section 3 Business Concern Certification Form will expire after 12 months. Establishing a 12 month certification of eligibility period allows Tioga County the ability to assess contractor performance to ensure the business is striving to meet the required goals.

Assisting Contractors with Achieving Section 3 Goals

In an effort to assist contractors with meeting or exceeding the Section 3 goals, Tioga County will do the following:

- 1) Share Section 3 Plan with contractors and subcontractors and explain policies and procedures.
 - 2) Require contractors wishing to submit a bid/offer/proposal to attend pre-bid meeting.
 - 3) Require contractor to sign the Section 3 Plan at pre-construction conference.
 - 4) Review Section 3 benchmarks and prioritization of effort with contractors and subcontractors to ensure that the goals are understood. It is not intended for contractors and subcontractors to terminate existing employees, but to make every effort feasible to
-

meet Section 3 benchmark goals by utilizing existing qualified workforce and by considering qualified eligible Section 3 workers and Targeted Section 3 workers (per the prioritization of effort outlined in Section #3) before any other person, when hiring additional employees is needed to complete proposed work to be performed with a HUD program.

- 5) At the time of bid, require the contractor to present a list, of the number of total labor hours, Section 3 worker labor hours, and Targeted Section 3 worker labor hours expected to be generated from the initial contract and a list of projected number of available positions, to include job descriptions and wage rates.
- 6) Maintain a local Section 3 worker/Targeted Section 3 worker database and provide the contractor with a list of interested and qualified Section 3 workers and Targeted Section 3 workers and contact information.
- 7) Inform contractors about the HUD Section 3 Opportunity Portal <https://hudapps.hud.gov/OpportunityPortal/>
- 8) Require contractors to notify Section 3 Coordinator of their interests regarding employment of Section 3 workers prior to hiring.
- 9) Encourage local business to register on the HUD Business Registry and direct contractors to the HUD Section 3 Business Registry <https://www.hud.gov/section3businessregistry>
- 10) Leverage Tioga County's communication outlets (social media, website, etc.) to effectively communicate employment and contracting opportunities that arise.
- 11) Require contractors to submit a list of core employees (including administrative, clerical, planning and other positions pertinent to the construction trades) at the time of contract award.

Section 3 Outreach

OUTREACH EFFORTS FOR EMPLOYMENT AND TRAINING

In order to educate and inform workers and contractors, Tioga County's Section 3 Coordinator will be prepared to provide training and technical assistance on a regular basis per program guidelines. When training opportunities are available, contractors and subcontractors should, to the greatest extent feasible:

- 1) Notify the Section 3 Coordinator when training opportunities are available.
- 2) Provide information/handouts about Section 3 training opportunities to potential Section 3 workers and Targeted Section 3 workers.
- 3) Conduct an annual training for Section 3 workers and Section 3 businesses.

Contractors and subcontractors should employ several active strategies to notify Section 3 workers and Targeted Section 3 workers of Section 3 job opportunities, including:

- 1) Clearly indicating Section 3 eligibility on all job postings with the following statement: "This job is a Section 3 eligible job opportunity. We encourage applications from individuals that are low income and/or live in Public Housing and/or receive a Section 8 voucher";
- 2) Including the Section 3 Worker and Targeted Section 3 Worker Self-Certification Form in all job postings
- 3) Working with the Section 3 Coordinator to connect Section 3 worker and Targeted Section 3 workers in Tioga County's database with opportunities and/or utilize the Section 3 Opportunity Portal to find qualified candidates
- 4) Establishing a current list of Section 3 eligible applicants
- 5) Contacting local community organizations and provide them with job postings for Section 3 eligible applicants
- 6) Coordinating a programmatic ad campaign, which results in widespread job posting across diverse ad networks including:
 - a) Advertising job opportunities via social media, including LinkedIn and Facebook;
 - b) Advertising job opportunities via flyer distributions and mass mailings and posting ad in common areas of housing developments and all public housing management offices; and
 - c) Contacting resident councils, resident management corporations, and neighborhood community organizations to request their assistance in notifying residents of available training and employment opportunities.

OUTREACH EFFORTS FOR CONTRACTING

When contracting opportunities arise in connection with the HUD program, Tioga County will employ the following strategies to notify Section 3 Business Concerns of Section 3 contracting opportunities, including but not limited to:

- 1) Adding Section 3 language to all RFPs, procurement documents, bid offerings and contracts.
 - 2) Coordinating mandatory pre-bid meetings to inform Section 3 Business Concerns of upcoming contracting opportunities. The Section 3 Coordinator will participate in these meetings to explain and answer questions related to Section 3 policy.
 - 3) Advertising contracting opportunities in local community papers and notices that provide general information about the work to be contracted and where to obtain additional information.
 - 4) Providing written notice of contracting opportunities to all known Section 3 Business Concerns. The written notice will be provided in sufficient time to enable business concerns the opportunity to respond to bid invitations.
 - 5) Coordinating with the prime contractor to publicize contracting opportunities for small businesses.
-

- 6) Coordinating with Tioga County Departments and all other business assistance agencies and contractor associations to inform them of contracting opportunities and request their assistance in identifying Section 3 business concerns. Could include local community development organizations, business development agencies (Chamber of Commerce), and minority contracting associations.
- 7) Connecting Section 3 business concerns with resources to support business development to assist in obtaining contracting opportunities (e.g., bonding and insurance assistance, etc.). Contractors will also be encouraged to collaborate with Tioga County as subcontracted opportunities arise in an effort to notify eligible Section 3 business concerns about the contracting opportunities.

Section 3 Contracting Policy and Procedure

Tioga County will incorporate Section 3 in its existing Procurement Policy and adopt a Section 3 Contracting Policy and Procedure to be included in all procurements generated for use with HUD funding. This policy and procedure contain requirements for making efforts to award contracts to Section 3 Business Concerns.

All contractors/businesses seeking Section 3 preference must, before submitting bids/proposals to Tioga County will be required to complete certifications, as appropriate. Such certifications shall be adequately supported with appropriate documentation as referenced in the Section 3 Business Concern Certification Form.

Section 3 Provisions/Contract Language

Tioga County will include standard Section 3 language in all of its contracts to ensure compliance with regulations in 24 CFR Part 75. Tioga County will take appropriate actions upon finding that a contractor is in violation of 24 CFR Part 75 and does not knowingly contract with any contractor that has been found in violation of the Section 3 regulations. On a periodic basis the Section 3 Coordinator will audit Tioga County contractors for compliance with the minimum Section 3 requirements outlined in the Section 3 Plan.

In addition, contractors and subrecipients are required to include language in all Section 3 covered contracts or agreements for subcontractors to meet the requirements of 24 CFR Part 75.9 (for public housing financial assistance) or 24 CFR Part 75.19 (for housing and community development financial assistance).

For businesses, non-compliance with HUD's regulations in 24 CFR part 75 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

Reporting Requirements

For Section 3 covered contracts, contractors must submit the Section 3 Performance and Summary Report to Tioga County's Section 3 Coordinator on a monthly basis, and the annual reporting requirement set forth in that form's instructions.

MONTHLY REPORTING

- 1) Contractors are required to submit monthly activity reports to Tioga County's Section 3 Coordinator by the 25 day of each month.

ANNUAL REPORTING

- 1) Once a project is completed, contractors must submit a final Section 3 cumulative report for the program year.
- 2) Upon the completion of a project, Tioga County's Section 3 Coordinator will conduct a final review of the project's overall performance and compliance.
- 3) Tioga County's Section 3 Coordinator will submit the Section 3 data into the Section 3 reporting portal to HUD at the required reporting period.

REPORTING ON PROJECTS WITH MULTIPLE FUNDING SOURCES

- 1) For Section 3 projects that include public housing financial assistance and housing and community development financial assistance, Tioga County and its subrecipients, contractors and subcontractors will report on the project as a whole and will identify the multiple associated recipients.
- 2) For projects assisted with funding from multiple sources of housing and community development assistance that exceed the thresholds of \$200,000 and \$100,000 for Lead Hazard Control and Healthy Homes Programs (LHCHH), Tioga County will follow subpart C of Part 75 and will report to the applicable HUD program office, as prescribed by HUD. Note: LHCHH assistance is not included in calculating whether the assistance exceeds the \$200,000 threshold. HUD public housing financial assistance and HUD housing and community development financial assistance is not included in calculating whether the assistance exceeds the LHCHH \$100,000 threshold. Refer to chart in [Appendix B](#).

Internal Section 3 Complaint Procedure

In an effort to resolve complaints generated due to non-compliance through an internal process, Tioga County encourages submittal of such complaints to its Section 3 Coordinator as follows:

- 1) Complaints of non-compliance should be filed in writing and must contain the name of the complainant and brief description of the alleged violation of 24 CFR Part 75.
 - 2) Complaints must be filed within 180 calendar days after the complainant becomes aware of the alleged violation.
 - 3) An investigation will be conducted if complaint is found to be valid. Tioga County will conduct an informal, but thorough investigation affording all interested parties, if any, an opportunity to submit testimony and/or evidence pertinent to the complaint.
 - 4) Tioga County's Section 3 Coordinator will provide written documentation detailing the findings of the investigation. The County Attorney will review the findings for accuracy and completeness before it is released to complainants. The findings will be made available no later than 30 days after the filing of complaint. If complainants wish to have their concerns considered outside of Tioga County a complaint may be filed with:
-

The HUD program office responsible for the public housing financial assistance or the Section 3 project, or to the local HUD field office. These offices can be found through the HUD website, www.hud.gov/.

Complainants may be eligible to bring complaints under other federal laws. The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information (medical history or predisposition to disease). For more information about complainant rights, please contact EEOC at: www.EEOC.gov.

The Department of Labor Office of Federal Contract Compliance Programs (OFCCP) enforces, for the benefit of job seekers and wage earners, the contractual promise of affirmative action and equal employment opportunity required of those who do business with the Federal government. More information about the services they provide can be obtained at: <http://www.dol.gov/ofccp/>.

Appendices

APPENDIX A: DEFINITIONS

The terms *HUD*, *Public housing*, and *Public Housing Agency (PHA)* are defined in 24 CFR Part 5.

The following definitions also apply to 24 CFR Part 75 HUD's Economic Opportunities for Low- and Very Low-Income Persons:

1937 Act means the United States Housing Act of 1937, 42 U.S.C. 1437 *et seq.* activities related to *Public Housing*

Contractor means any entity entering into a contract with:

(1) A recipient to perform work in connection with the expenditure of public housing financial assistance or for work in connection with a Section 3 project; or

(2) A subrecipient for work in connection with a Section 3 project.

Labor hours means the number of paid hours worked by persons on a Section 3 project or by persons employed with funds that include public housing financial assistance.

Low-income person means a person as defined in Section 3(b)(2) of the 1937 Act, at or below 80% AMI. Note that Section 3 worker eligibility uses individual income rather than family/household income.

Material supply contracts means contracts for the purchase of products and materials, including, but not limited to, lumber, drywall, wiring, concrete, pipes, toilets, sinks, carpets, and office supplies.

Professional services means non-construction services that require an advanced degree or professional licensing, including, but not limited to, contracts for legal services, financial consulting, accounting services, environmental assessment, architectural services, and civil engineering services.

Public housing financial assistance means assistance as defined in 24 CFR Part 75.3(a)(1).

Public housing project is defined in 24 CFR 905.108.

Recipient means any entity that receives directly from HUD public housing financial assistance or housing and community development assistance that funds Section 3 projects, including, but not limited to, any State, local government, instrumentality, PHA, or other public agency, public or private nonprofit organization.

Section 3 means Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u).

Section 3 business concern means:

(1) A business concern meeting at least one of the following criteria, documented within the last six-month period:

- (i) It is at least 51 percent owned and controlled by low- or very low-income persons;
- (ii) Over 75 percent of the labor hours performed for the business over the prior three-month period are performed by Section 3 workers; or
- (iii) It is a business at least 51 percent owned and controlled by current public housing residents or residents who currently live in Section 8-assisted housing.

(2) The status of a Section 3 business concern shall not be negatively affected by a prior arrest or conviction of its owner(s) or employees.

(3) Nothing in this part shall be construed to require the contracting or subcontracting of a Section 3 business concern. Section 3 business concerns are not exempt from meeting the specifications of the contract.

Section 3 Coordinator is person tasked with overseeing all Section 3 responsibilities for the PHA/CD office.

Section 3 project means a project defined in 24 CFR Part 75.3(a)(2).

Section 3 worker means:

(1) Any worker who currently fits or when hired within the past five years fit at least one of the following categories, as documented:

- (i) The worker's income for the previous or annualized calendar year is below the income limit established by HUD.
- (ii) The worker is employed by a Section 3 business concern.
- (iii) The worker is a YouthBuild participant.

(2) The status of a Section 3 worker shall not be negatively affected by a prior arrest or conviction.

(3) Nothing in this part shall be construed to require the employment of someone who meets this definition of a Section 3 worker. Section 3 workers are not exempt from meeting the qualifications of the position to be filled.

Section 8-assisted housing refers to housing receiving project-based rental assistance or tenant-based assistance under Section 8 of the 1937 Act.

Service area or the neighborhood of the project means an area within one mile of the Section 3 project or, if fewer than 5,000 people live within one mile of a Section 3 project, within a circle centered on the Section 3 project that is sufficient to encompass a population of 5,000 people according to the most recent U.S. Census.

Small PHA means a public housing authority that manages or operates fewer than 250 public housing units.

Subcontractor means any entity that has a contract with a contractor to undertake a portion of the contractor's obligation to perform work in connection with the expenditure of public housing financial assistance or for a Section 3 project.

Subrecipient has the meaning provided in the applicable program regulations or in 2 CFR 200.93.

Targeted Section 3 worker has the meanings provided in 24 CFR Part 75.11, 75.21, or 75.29, and does not exclude an individual that has a prior arrest or conviction.

Very low-income person means the definition for this term set forth in section 3(b)(2) of the 1937 Act (at or below 50% AMI).

YouthBuild programs refers to YouthBuild programs receiving assistance under the Workforce Innovation and Opportunity Act (29 U.S.C. 3226).

APPENDIX B: MULTIPLE FUNDING SOURCES - CHART

TYPE OF FINANCIAL ASSISTANCE	DEFINITIONS *TARGETED SECTION 3 WORKER	THRESHOLDS	PRIORITIZATION	REPORTING
Public Housing and Community Development	PHA – must follow subpart B of Part 75 HCD – may follow subpart B or C of Part 75	None *Any amount of PH assistance triggers Section 3	PHA – must follow subpart B of Part 75 HCD – may follow subpart B or C of Part 75	PHA – must follow subpart B of Part 75 HCD – may follow subpart B or C of Part 75 Both - Must report on project as a whole and identify the multiple associated recipients
Multiple Sources of Housing and Community Development <i>(single or multiple recipients)</i>	Must follow subpart C of Part 75	Exceeds \$200,000 for Section 3 projects *LHCHHP exceeds \$100,000	Must follow subpart C of Part 75	Must follow subpart C of Part 75 Must report on project as a whole and identify the multiple associated recipients Must report to the applicable HUD program office, as prescribed by HUD

REFERRED TO: LEGISLATIVE WORKSESSION
PERSONNEL COMMITTEE

RESOLUTION NO. -23 AMEND EMPLOYEE HANDBOOK:
SECTION IV. PERSONNEL RULES,
SUBSECTION T. ENTITLED TIOGA COUNTY
REMOTE WORK POLICY

WHEREAS: The Tioga County Legislature adopted Resolution No. 265-21 on November 9, 2021, establishing a new policy entitled Tioga County Remote Work supporting the use of remote worksites for a portion of the standard workweek and allowing Department Heads to implement Remote Work Arrangements for eligible Management/Confidential employees, where appropriate; and

WHEREAS: Tioga County's current policy established and identified the rules and procedures for the use of remote worksites as a pilot program effective January 1, 2022 – December 31, 2023, for eligible Management/Confidential staff as deemed appropriate by their Department Head; and

WHEREAS: The Tioga County Remote Work Policy-Pilot Program has been revised in its entirety to include eligible CSEA staff as deemed appropriate by their Department Head and will supersede the existing policy; and

WHEREAS: The current Remote Work Policy is set to expire on December 31, 2023; therefore be it

RESOLVED: That the revised Remote Work Policy continues as a pilot program set to expire on December 31, 2023, unless otherwise expanded; and be it further

RESOLVED: That the Remote Work Policy-Pilot Program is hereby renamed, amended, and replaced in its entirety as follows:

SECTION IV. – PERSONNEL RULES

Tioga County Remote Work Policy-Pilot Program

I. PURPOSE

To establish a policy and procedures to allow, where appropriate, the use of remote worksites in order to attract and retain a diverse and talented work force and improve productivity among employees. Tioga County supports the use of remote worksites for a portion of the standard workweek and

allows Department Heads to implement Remote Work Arrangements where appropriate, for eligible employees.

This policy does not apply in situations where an employee is seeking a reasonable accommodation in relation to a disability or injury. Such requests should be considered in light of the applicable policy in relation to the request.

II. ORGANIZATIONS AFFECTED

Applicable to all Tioga County departments where a remote worksite is feasible and appropriate, as determined by the Department Head.

III. DEFINITIONS

- A.** "Centrally Located Worksite" means the Tioga County worksite where the employee would be required to work if they were not remote working.
- B.** "Remote Work Agreement" means a Remote Work Arrangement has been agreed to by the Department Head and employee for the employee to work one or two days each work week from a non-County location instead of commuting to the employee's centrally located worksite. No more than the equivalent of two days per week may be worked from a remote worksite. For those employees with a 35-hour work week, two days shall mean 14 hours. For those employees with a 40-hour work week, two days shall mean 16 hours.
- C.** "Remote Work Location" means the non-County site where the employee intends to perform County work.
- D.** "Voluntary" means employees choose an alternative working arrangement.

IV. POLICY

A. General Remote Work Standards and Requirements

1. This Remote Work Policy shall supersede all prior and/or existing Telecommute guidelines.
 2. Remote Work Arrangements may be implemented where appropriate and approved by the Department Head for eligible employees. Remote Work Arrangements may be made in recognition of the positive personal and organizational impacts of such arrangements, including increased workplace flexibility and increased productivity.
 3. While Remote Work Arrangements are available to both Management/Confidential and CSEA members, they are not
-

appropriate for all employees and roles. No employee is entitled to, nor guaranteed the opportunity to have a Remote Work Arrangement. Said schedules are not a universal employee benefit; employees do not have the “right” to Remote Work Arrangements, nor do employees have a right to an indefinite remote work arrangement. Offering the opportunity for a Remote Work Arrangement is at the discretion of the employee’s Department Head. All Remote Work Arrangements must meet the criteria in this policy and may be terminated by the Department Head. The Department Head may terminate a Remote Work Arrangement at any time should they determine the arrangement is not being adhered to or is no longer in the best interest of their department.

4. An employee wishing to request a Remote Work Arrangement shall submit a written request to his/her Department Head. Again, employees seeking a reasonable accommodation in relation to a disability or religion should submit the appropriate forms under the applicable policy. A determination on a Remote Work Arrangement must be issued in writing by the Department Head. Any changes, other than termination of the arrangement, to the written arrangement must also be documented in writing and the Department Head’s determination issued in writing.
 5. Department Heads should routinely evaluate the effectiveness of an employee’s alternative work agreement, minimally every three months. Remote Work Agreements will be reviewed each December for renewal the following January. At the expiration of a Remote Work Agreement, the employee may request renewal of the arrangement. ***The Remote Work Agreement can be found on the County’s Intranet under “Employee Handbook – EH Forms”.*** The request to renew the arrangement must be made in writing.
 6. The Department Head will evaluate and adjust Remote Work Arrangements as needed to meet the organizational and workload needs. Adjustments may be made at any time during the agreement, subject to Department Head approval.
 7. Should a conflict arise between two or more employees concerning a Remote Work Arrangement, the Department Head shall have final authority to resolve the matter.
-

8. The business of the County will take precedence over remote workdays. Employees may, at the discretion of their immediate supervisor or Department Head, be called to work with 4 hours' notice to their centrally located worksite on their remote workday during their regular work hours to meet workload or operational requirements. Employees will be expected to complete their remote work during their approved work schedule. Approved schedules and any deviations of these for remote work must be approved in advance by the Department Head.
 9. Department Head determinations regarding Remote Work Arrangements will not be "grievable" as per the Memorandum of Understanding with the CSEA (*note: MOU to be developed*).
 10. When an employee engaged in a Remote Work Agreement comes into their centrally located worksite, the time traveling from the employee's home to the centrally located worksite will be treated as regular commuting time and the employee's travel time will not be counted as hours worked, nor will the employee's mileage be reimbursed. **On-Call Employees are exempt from this (A. #10) and are to comply with their department procedures.**
 11. The essential duties, obligations, and responsibilities of an employee who remote works are the same as employees at the centrally located worksite. Employees must be available to communicate with those whom he/she normally conducts business (e.g., supervisor, clients/the public, co-workers, etc.) by phone and email while remote working. Employees must respond to inquiries in the same fashion and within the same timeframes, as if she/he were in the office. In-person meetings must not be delayed because of remote work scheduling. Furthermore, employees are not allowed to meet with County clients at their remote work locations unless expressly authorized to do so by their Department Head.
 12. A set procedure and schedule for regular communication between a remote working employee, staff, and clients must be identified in the Remote Work Agreement. For all employees, the Remote Work Agreement must indicate the hours that the remote working employee will be available to be reached by staff and clients. The Department Head may also outline specific job assignments and expectations of the remote working employee.
-

Work schedules and variations are subject to Department Head approval.

13. Work hours, overtime compensation, and annual leave schedule must conform to state and federal law and the County policies. Requests to work overtime or use leave time must first be approved by the Department Head/Supervisor in the same manner as when working in the office. If the employee is sick and unable to work, he/she must follow the same policy/procedure as employees at the centrally located worksite and notify his/her supervisor in accordance with county policy/collective bargaining agreement. Employees are to adhere to the lunch break language found in their collective bargaining agreement, and must take a lunch break, as outlined therein.
 14. Employees must record and report all their time accurately. Department Heads must either develop their own preferred mechanism for accountability of remote work (daily or weekly) or the employee will complete the County's *Tele-work Weekly Log*. ***This form can be located on the County's Intranet under "Employee Handbook – EH Forms"***.
 15. Employees who remote work are expected to be working during their Remote Work schedule, without the availability of a direct supervisor during non-standard hours of operation. Personal, vacation, and any other leave time scheduled during a Remote Work employee's scheduled workday must be arranged in the same manner as employees at the centrally located worksite. Telework is not an alternative to utilization of leave time.
 16. The Remote Work employee's salary, retirement, and benefits are the same as if the employee were working at the centrally located worksite.
 17. While working remotely, responsibilities and tasks need to be completed with the same importance and attention as they would if they were tended to in the centrally located worksite. Non-work-related interruptions must be kept to a minimum. Remote working shall not be used as a substitute for dependent child or elder care. Employees who remote work are expected to make dependent or childcare arrangements during the period they will be working. Remote working is not intended to enable employees to conduct personal or non-County business while on County time.
-

18. Employees who remote work may be covered by workers' compensation for job-related injuries occurring during their defined work period. Any claim received will be reviewed on its merit and in accordance with the Workers' Compensation Law. The employee is responsible for maintaining a safe and ergonomic remote working environment, including the work area, bathroom, and other areas that may be necessary for use during the Remote Work Arrangement. Workers' compensation will not apply to non-job-related injuries that occur at the remote work site. The employee remains responsible for injuries to third parties and/or members of the employee's family on the employee's premises. Tioga County will not be responsible for injuries to third parties or members of the employee's family that occur on the employee's premises and employee will hold the County harmless for injury to others at the remote worksite.
19. In the event of a job-related incident, accident or injury during remote working hours, the employee shall report the incident to their supervisor as soon as possible but no longer than 24 hours after and follow established procedures to report and investigate workplace incidents, accidents, or injuries.
20. The employee must allow inspections of the employee's work area(s), home office, or other relevant location to be conducted by the County or its agent if a job-related incident, accident, or injury has occurred.
21. Remote working employees shall not hold in-person business meetings with internal or external clients, customers, or colleagues at their remote worksite.
22. Employees shall not conduct any unauthorized external (non-County) work during their remote work schedule.
23. The employee shall participate in any County-sponsored remote working and/or technology training as requested by the employee's supervisor or Department Head.
24. The employee shall participate as requested in any County evaluation of the remote working arrangement.
25. Violations of this policy may result in rescission of a telework agreement, as well as potential disciplinary action.

B. Remote Work Arrangement Eligibility:

1. Characteristics of the employee will include a demonstrated conscientiousness about work time and productivity, self-motivation and ability to work well alone. The employee communicates effectively with supervisors, co-workers, support staff and clients. The employee operates computer or other equipment independently, to the degree that will be required to work from their home or during non-supervised periods. The employee must be performing currently at an overall satisfactory level or above in their position.
2. An employee's work must be of a nature that face-to-face interaction with internal or external customers or project workgroups is minimal and/or the employee's tasks can be performed successfully away from the centrally located worksite.
3. The need for specialized material or equipment in order to remote work should be minimal. Employees interested in Remote Work must already have a safe and ergonomic home office environment or work area and the primary materials and equipment needed at their home in order to remote work.
4. Employees must have completed a reasonable amount of employment to be assessed by Department Head to be a successful candidate for a Remote Work Arrangement.
5. Each Department Head will establish criteria for worker and role eligibility for potential Remote Work Agreement.
6. Employee must have appropriate dependent care arrangements that allow the employee to work without distraction and mitigate undue interruption, which could impact productivity.
7. Employees in a training capacity or providing hands-on service will not normally be eligible to participate in a Remote Work Arrangement program.
8. Employees with attendance or tardiness issues will not be eligible.
9. Employees who have been counseled or disciplined within the two years immediately preceding the request for Remote Work Arrangement will not be eligible.
10. Meeting the above eligibility criteria does not guarantee that an employee will be approved for a Remote Work Arrangement. Operational and organizational needs may preclude an employee's Request from being approved.

C. Hardware, Software and Supplies:

1. Employee is responsible for providing computer, laptop or tablet approved by Information Technology as well as workspace, phone, networking and/or internet capabilities at the remote work location and shall not be reimbursed by the County for these or related expenses. Special circumstances may arise and will be reviewed by the Department Head. (*Arrangements made prior to effective date of this policy may remain in effect with approval from Department Head). Internet access is expected to be reliable and secure, and meet the bandwidth needed for the job.
 2. The need for specialized material or equipment in order to remote work should be minimal. The County may provide equipment (hardware and/or software) and services (such as technical support) if it is approved in advance by the employee's Department Head and the Chief Information Officer.
 3. Department expenses incurred in the implementation and execution of remote work arrangements require the approval of the Department Head. If County equipment is provided to the employee, the employee is responsible for seeing that the equipment is properly used in compliance with County IT policy and returned in working order to the County upon conclusion of the Remote Work Arrangement.
 4. Standard office supplies (such as paper and pens) will be provided by the County and should be obtained by the employee at the centrally located worksite. Out-of-pocket expenses for supplies normally available at the centrally located worksite will not be reimbursed. Office furniture will not be provided to employees who remote work.
 5. Employees who remote work are subject to the same internal County policies regarding the use of County-provided equipment (hardware and/or software) and services as that of employees at the centrally located worksite.
 6. Employees who remote work shall not allow anyone, except County employees, to use or access County-provided equipment (including hardware, software, chargers, storage devices) and services.
 7. Employees are prohibited from accessing the County network using a public access computer.
 8. **HARDWARE:** New or existing computer equipment may be provided on an as-needed basis to staff by the County if approved in
-

advance by the employee's Department Head and the Chief Information Officer. Staff working remotely will be permitted to use personal computer equipment to access the County data or network. All County owned hardware equipment and devices must be returned to the County as soon as the remote working agreement has ended, or when the equipment is no longer needed to perform related work activities.

9. The County will provide routine maintenance and repairs for County owned computers and equipment. The County will try and perform maintenance remotely, however, to complete necessary maintenance it may be required that the staff member bring their device back to the worksite or internal network. Staff can request technical support for County computer devices by sending an email to the Tioga County Helpdesk. County IT staff will not visit the employee's remote work location to provide service onsite.
10. **SOFTWARE:** Employees must conform to the County's software standards. Department Heads will consult with Information Technology staff to ensure that the software needed conforms to the County's software policies.
11. Remote access to the County's network may be provided to the employee at the discretion of the employee's Department Head and with the approval of the Chief Information Officer or designee. If the County's remote access system includes internet access or other dial-in services, the employee may only use the County provided internet access or other dial-in services in a manner consistent with that of employees at the centrally located worksite. Employees who remote work are subject to the same internal County policies regarding the use of County provided equipment, software and services as that of employees at the centrally located worksite.
12. The County may purchase software for installation on County-provided equipment if approved in advance by the employee's Department Head and the Chief Information Officer or designee.
13. Employees may forward their County phone extension to their remote work site during Remote Work hours, as determined by the Department Head.

D. Confidential Information:

1. The employee will maintain the confidentiality of County and State information and documents, prevent unauthorized access to any County system or information, and dispose of work-related documents in a manner that will not jeopardize the interests of the County or its clients/customers.
2. The employee shall continue to follow all Tioga County policies that address confidentiality and security, as found in the Employee Handbook.
3. Employees must maintain documents in their possession in a safe and secure manner while they are outside of their normal workplace.

X. PROCEDURE

- A. Employee submits completed Request for Remote Work Arrangement form to Department Head. If Department Head is requesting remote work, completed form to be submitted by Department Head to Chair of the County Legislature. ***The Request for Remote Work Arrangement can be found on the County's Intranet under "Employee Handbook – EH Forms"***.
- B. After review by Information Technology for technical needs, Department Head (or Chair of Legislature if Department Head requesting) issues written determination within 10 working days of receipt of Request.
- C. If approved, employee and Department Head (or Chair of Legislature if Department Head requesting) or designee complete Remote Work Agreement form.
- D. Any requests to revise the Agreement are to be submitted by the employee to the Department Head (or Chair of Legislature if Department Head requesting) in writing and answered in writing by the Department Head (or Chair of Legislature if Department Head requesting).
- E. Department Heads are to file with the Chair of the Legislature and Chair of their Legislative Committee each newly approved Remote Work Agreement, changes to Remote Work Agreements, and the conclusion thereof.

VI. FORMS

Located on the ***County's Intranet "Employee Handbook-EH Forms"***, are the following:

- A. Remote Work Agreement
 - B. Request for Remote Work Arrangement
 - C. Employee Assessment for Remote Work Suitability
 - D. Tele-Work Weekly Log
-

VII. CONTINUOUS REVIEW

The County reserves all rights to continuously review this policy and any telework agreement and rescind either of them upon a review and determination that the policy or an agreement is no longer in the best interest of the County. No employee should have any belief or expectation that the policy or an agreement will continue indefinitely. The County will continuously review this policy and make a determination as to its effectiveness, need, and any other rationale behind it or the procedures within it and it may, within its sole discretion, rescind or alter the policy or procedures and any associated documentation.

Furthermore, the County retains all rights in determining the work assignments and location of its employees. As teleworking is an assignment to work from a different work location, that may be changed by the County at any time. As this policy is being implemented by the County, it is not incorporated into any collective bargaining agreement or grievance procedure included within them.

REFERRED TO: ITCS COMMITTEE
LEGISLATIVE WORKSESSION

RESOLUTION NO. -23 AMEND EMPLOYEE HANDBOOK;
SECTION VIII: COMPREHENSIVE INFORMATION
SECURITY POLICY

WHEREAS: The Comprehensive Information Security Policy needs to be amended in whole due to numerous updates and changes; and

WHEREAS: The Chief Information Officer and Deputy Director of ITCS have reviewed the County's Comprehensive Information Security Policy and made recommendations that the policy should be amended in its entirety and replaced; therefore be it

RESOLVED: That the Comprehensive Information Security Policy be amended in its entirety and replaced as follows:

**SECTION VIII – COMPREHENSIVE INFORMATION SECURITY POLICY
(FORMERLY POLICY #44)**



Tioga County, New York

Comprehensive Information Security Policy

Policies, Procedures, and Standards for Information Security

I. Contents

II. PURPOSE30

III. GENERAL PROVISIONS..... 30

 A. DEFINITIONS 30

 B. BREACH POLICY FOR HIGH-RISK AND CONFIDENTIAL DATA 31

 C. FACILITY SECURITY PLAN 31

 D. CONTINGENCY OPERATIONS..... 32

 E. DATA SECURITY POLICY 32

 F. DATA CLASSIFICATION POLICY 32

IV. AUDIENCE – LEGISLATURE33

 A. GENERAL..... 33

 B. EVALUATION 33

V. AUDIENCE – END USER 33

 A. SANCTION POLICY 33

 B. EXPECTATION OF PRIVACY 33

 C. INTELLECTUAL PROPERTY - LEGAL OWNERSHIP 33

 D. PASSWORDS 33

 E. ACCEPTABLE USE - GENERAL 33

 F. ACCEPTABLE USE – E-MAIL..... 34

 G. ACCEPTABLE USE – INTERNET 35

 H. ACCEPTABLE USE – VPN (VIRTUAL PRIVATE NETWORK) OR OTHER REMOTE ACCESS..... 36

 I. ACCEPTABLE USE – CELLULAR PHONES AND OTHER WIRELESS DEVICES..... 36

 J. WORKING FROM HOME OR OTHER REMOTE SITES..... 36

 K. REMOTE OFFICE SECURITY 38

 L. HANDLING OF SENSITIVE INFORMATION 38

 M. SECURITY INCIDENT REPORTING PROCEDURE..... 38

 N. WORKSTATION SECURITY 38

 O. PRINTING 39

 P. DATA RESTORATION 40

VI. AUDIENCE – DEPARTMENT HEADS \ SUPERVISORS 40

 A. AUTHORIZATION AND SUPERVISION..... 40

 B. WORKFORCE CLEARANCE PROCEDURES 40

 C. TERMINATION \ SEPARATION PROCEDURES..... 40

 D. ACCESS AUTHORIZATION, ESTABLISHMENT & MODIFICATION..... 41

 E. DEPARTMENTAL SECURITY TRAINING..... 41

 F. BUSINESS ASSOCIATE AGREEMENT 41

 G. VENDOR ACCESS CONTROL 41

 H. APPLICATION LEVEL AUTHENTICATION, LOGGING AND INTEGRITY CONTROLS ON HIGH-RISK DATA 42

 I. KEYS AND SWIPE CARDS 42

 J. SOLICITATION 42

VII. AUDIENCE – ITCS DEPARTMENT 43

 A. DATA NETWORK CONFIGURATION 43

 B. NETWORK FOLDER CONFIGURATION 44

C. NETWORK INTRUSION, VIRUS OR MALICIOUS SOFTWARE OUTBREAK.....44

D. DATA BACKUP PLAN45

E. DISASTER RECOVERY AND EMERGENCY MODE OPERATION PLANS45

F. DISASTER TESTING AND REVISION PROCEDURE.....46

G. DETERMINING DATA CRITICALITY.....46

H. CRITICAL SYSTEMS, APPLICATIONS AND DATA.....47

I. MAINTENANCE WINDOWS47

J. ACCESS CONTROL48

K. AUDIT CONTROLS48

L. DATA TRANSMISSION & ENCRYPTION POLICY48

M. INFORMATION RETENTION.....48

N. SECURITY TRAINING49

O. POLICY CHANGES49

VIII. AUDIENCE – DEPUTY DIRECTOR OF ITCS49

A. INFORMATION SECURITY DUTIES OF DEPUTY DIRECTOR OF ITCS.....49

II. Purpose

The purpose of the Tioga County Comprehensive Information Security Policy is to protect the confidentiality, integrity, and availability of all information that County Agencies, towns and villages and employees, create, receive, maintain or transmit.

It is to provide a security framework that will ensure the protection of Tioga County information from unauthorized access, loss or damage while supporting the open, and information-sharing needs of our county. This information may be verbal, digital, and/or hardcopy, individually-controlled or shared, stand-alone or networked. Failure to comply with this policy may subject you to disciplinary action up to and including termination.

This document is organized by audience to assist in clearly defining the responsibilities required for different roles.

III.General Provisions

E. Definitions

- **Breach**
A security incident, in which sensitive protected or confidential data is copied, transmitted, viewed, stolen or used by an individual unauthorized to do so.
- **Business Associates**
Is an organization or individual that performs services for a covered entity (healthcare organization) that has access to protected health information (PHI).
- **Chief Information Officer**
An individual named by the County Legislature who has the responsibility for establishing and maintaining all Information Systems within the County.
- **Confidential Data**
Protected information that is not available to the general public.
- **Covered Entities**
Any organization or corporation that directly handles Personal Health Information (PHI) or Personal Health Records (PHR).

- **Data Custodian**
The individual or group who has responsibility for maintaining the tools necessary for storing of data by the data owners. Ex: ITCS maintains servers that a department's software program runs on. ITCS is the data custodian as the maintainer of the server\data storage infrastructure.
- **Data Owner**
The individual who is responsible for the maintenance and safekeeping of data, whether it be electronic or physical.
- **End User**
Individuals performing work for Tioga County, whether they are employees or contractors.
- **Deputy Director of ITCS**
An individual named by the County Legislature to function as a point person for ensuring compliance with the details of this policy.
- **Phishing**
The attempt to acquire sensitive information such as usernames, passwords, and credit card details, often for malicious reasons, by masquerading as a trustworthy entity in an electronic communication (email, website etc.).
- **Protected Health Information (PHI)**
Any information in a medical record that can be used to identify an individual.
- **Public Data**
Information that may be freely disseminated is considered to be *public* data. However, even though the data may be freely disseminated to the public, the integrity of the data must be protected.
- **Ransomware**
A type of malware that restricts access to an infected computer system in some way and demands that the user pays a ransom to the malware operators to remove the restriction.
- **Spear Phishing**
An email-spoofing attack that targets a specific organization or individual, seeking unauthorized access to sensitive information.
- **Social Engineering**
The art of manipulating people so they give up confidential information.
- **Super Users**
Users who are granted additional authority for specific functions on the data network.

B. Breach Policy for High-Risk and Confidential Data

Any breach of High-Risk and Confidential Data must be reported to your supervisor who will report it to the Deputy Director of ITCS and the County Attorney immediately for investigation. The County Attorney and Deputy Director of ITCS shall investigate the matter and recommend further action to ensure compliance with applicable statutory requirements and County Policy provisions.

C. Facility Security Plan

Access to every office, computer room, and work area containing High-Risk or Confidential information will be physically restricted.

Visitors and other third parties must not be permitted to use employee entrances or other uncontrolled pathways leading to or through areas containing High-Risk or Confidential information.

Identification badges, keys and physical access cards that have been lost or stolen – or are suspected of being lost or stolen – must be reported to the Department Head or designee, who will notify Buildings and Grounds, or any other appropriate entity, immediately. Likewise, all computer or communication system access tokens that have been lost or stolen – or are suspected of being lost or stolen – must be reported to the Department Head or supervisor and Deputy Director of ITCS immediately. All Personal approved devices lost or stolen that contain Tioga County data must also be reported to the Department Head or supervisor and Deputy Director of ITCS immediately.

Each person must present his or her badge to the badge reader before entering every controlled door within Tioga County premises. Before proceeding through every controlled door, each person must wait until the reader indicates that they have permission to enter the area. Workers must not permit unknown or unauthorized persons to pass through doors, gates, and other entrances to restricted areas at the same time when authorized persons go through these entrances.

Whenever controlled doors are propped open (perhaps for moving supplies, furniture, etc.) the entrance must be continuously monitored by an employee or guard.

Tioga County employees must not attempt to enter restricted areas in Tioga County buildings for which they have not received access authorization.

D. Contingency Operations

In the event that primary facility access controls are not functional or unable to be utilized, the Buildings and Grounds department shall keep as part of the County's Disaster Plan the backup or secondary methods for facilities access. This includes consideration for ensuring data is secured in the event a primary security control (e.g. electronic door lock) is non-operational.

E. Data Security Policy

County Information Assets shall be handled in accordance with their Data Classification and in accordance with appropriate federal and state statutes and regulations.

Tioga County employees may be in a position to receive confidential information during the performance of their duties. County employees shall never use information obtained confidentially for any non-business-related purpose and shall respect the privacy of the data according to its classification. Since public access of information varies, employees should consult with their supervisor/Department Head regarding the dissemination of High-Risk or Confidential information. Violations of this confidentiality requirement may be grounds for disciplinary action, up to and including termination.

F. Data Classification Policy

It is essential that all County data be protected. However, there are gradations that require different levels of security. All data should be reviewed on a periodic basis by the Data Owner and classified according to its use, sensitivity, and importance. Tioga County recognizes four classes of data: Public, Internal, Confidential, and Restricted Use.

Public Classification is any data that may be disclosed to the public. An example may be an announcement or general information.

Internal Classification is sensitive information that is not shared with the public. An example may be some memos, contact lists and procedures.

Confidential Classification is secure data that needs protection. This data would have limited access. An example may be HIPAA data.

Restricted Use Classification is highly sensitive information and should be limited on a need-to-know basis. An example of this would be passwords. Data Owners and their supervisors must determine the data classification and must ensure that the data custodian is protecting the data in a manner appropriate to its classification.

IV. Audience – Legislature

A. General

The Legislature holds responsibility to adopt any changes to the Information Security Policy as necessary and create and appoint members as necessary to a Data Disaster Recovery Workgroup.

B. Evaluation

The Tioga County Legislature shall receive, review, and adopt the following:

- External Risk Assessment Report every two years (Section VII)
- Risk Mitigation and Management Plan every two years (Section VII)
- Disaster Testing and Revision Analysis annually (Section VII.F)
- Data Criticality Analysis annually (Section VI.G)

V. Audience – End User

A. Sanction Policy

Failure to comply with any of the policies contained in this document may result in disciplinary action up to and including termination of employment.

B. Expectation of Privacy

All County information resources, including but not limited to equipment, documents, data, information, records and software are the property of Tioga County. Users have no expectation of privacy in their use of County computer and information resources. County equipment, data, records, software and connections are County property, provided for County purposes only. Software and systems that can monitor use may be used. Use of County computer systems and networks constitutes consent to such monitoring.

C. Intellectual Property - Legal Ownership

With the exception of material clearly owned by third parties, Tioga County is the legal owner of all business information stored on or passing through its systems. Unless a specific written agreement has been signed with the Legislature, all business-related information, including but not limited to copyrights and patents, developed while a user is employed by Tioga County is Tioga County property.

D. Passwords

Passwords will be changed once every calendar year. They will be at least twelve characters long. There will be a history of eight (8). Which means the end user will not be able to use the same password for 8 calendar years.

E. Acceptable Use - General

It is the user's responsibility to utilize Information and Information Technology resources appropriately and ensure their security. Users shall not use County Information or County IT systems for purposes other than those that support official County business or as defined in this policy.

Except when in the process of conducting law enforcement activities, users shall not use County IT systems to intentionally obtain or generate information containing content that may be reasonably considered offensive or disruptive. Offensive content

includes, but is not limited to images, or comments of a sexual nature, racial slurs, gender offensive comments, or any comments that would offend someone on the basis of age, sexual orientation, gender identity, religious or political beliefs, national origin, or disability.

The provisions, terms, and rules for acceptable use apply to the use of all County systems and equipment whether in a County Building, remote site, or when working from home or any other location using County resources.

Incidental personal use of any of the below listed tools is permissible so long as: (a) it does not consume more than a trivial amount of resources, (b) does not interfere with worker productivity, and (c) does not preempt any business activity. Users are forbidden from using Tioga County electronic communications systems for charitable endeavors, political campaigns, private business activities, or amusement/entertainment purposes. The use of County resources, including electronic communications should never create either the appearance or the reality of inappropriate use.

F. Acceptable Use – e-mail

As a productivity enhancement tool, Tioga County encourages the business use of electronic communications. Electronic communications systems, including backup copies, are considered to be the property of Tioga County. Tioga County cannot guarantee that e-mail communications will be private. All e-mail communications may be stored and archived by ITCS for 7 years. E-mail messages are considered to be “documents” and are subject to all statutory and legal compliance, particularly in reference to Schedule LGS-1 published by the New York State Archives. E-mail items that are not “official documents” as described by the New York State Archives should be deleted as soon as they are no longer needed. E-mail items that do fit the definition of “official documents” should be stored in a permanent archive or other appropriate medium for the period of time defined by regulation or statute. See your department's record officer for more information on this.

Sending high or moderate risk information outside of our County email system must be encrypted. This is done by selecting the ENCRYPT icon at the top of the Outlook NEW EMAIL screen or by selecting Options then ENCRYPT, if using Office 365.

County employees are prohibited from using personal e-mail to conduct County business.

It is the responsibility of the individual user to manage and maintain their e-mail mailbox. ITCS may employ quotas on mailbox size to enforce compliance. Messages no longer needed for business purposes must be periodically purged by users from their email system mailbox. After a certain period – generally six months – e-mail messages stored on the email server may be automatically archived by ITCS staff.

It is the policy of Tioga County not to regularly monitor the content of electronic communications. However, the content of electronic communications may be monitored, and the usage of electronic communications systems will be monitored to support operations, maintenance, auditing, security, and investigative activities. Users should structure their electronic communications in recognition of the fact that Tioga County will from time to time examine the content of electronic communications.

It may be necessary for ITCS personnel to review the content of an individual employee's communications during the course of problem resolution. ITCS personnel may not review the content of an individual employee's communications out of

personal curiosity or at the behest of individuals who have not gone through proper approval channels.

Misrepresenting, obscuring, suppressing, or replacing a user's identity on an electronic communications system is forbidden. The username, e-mail address, organizational affiliation, and related information included with e-mail messages or postings must reflect the actual originator of the messages or postings.

Workers must not use profanity, obscenities, or derogatory remarks in electronic mail messages discussing employees, constituents, or others. Such remarks may create legal problems such as libel and defamation of character.

Message Forwarding: Some information is intended for specific individuals and may not be appropriate for general distribution. Users should exercise caution when forwarding messages. Tioga County High-Risk and Confidential information must never be forwarded to any party outside the County unless the message is encrypted and/or Department Head approval has been obtained.

G. Acceptable Use – Internet

All Internet users are expected to be familiar with and comply with this policy. Violations of this policy can lead to revocation of system privileges and/or disciplinary action up to and including termination. Tioga County users have no expectation of privacy in Internet usage.

Access to the internet will be provided to those Tioga County employees who have need for such access for the performance of their official County duties. Upon recommendation of the Department Head, users may be granted either unrestricted or restricted access to the Internet. Should a user require unrestricted access, ITCS must be informed in writing, by the Department Head, in either a service ticket or e-mail.

Tioga County employees should realize that their communications are not automatically protected from viewing by third parties. Unless encryption is used, workers must not send information over the Internet if it is classified as High-Risk or Confidential information.

Tioga County routinely logs websites visited, files downloaded, time spent on the Internet, and related information. Department Heads may receive reports of such information and use it to determine what types of Internet usage are appropriate for their department's business activities.

Tioga County routinely uses technology to prevent users from connecting to certain non-business web sites. Workers using Tioga County computers who discover they have connected with an inappropriate web site that contains sexually explicit, racist, violent, or other potentially offensive material must immediately disconnect from that site. The ability to connect with a specific web site does not in itself imply that users of Tioga County systems are permitted to visit that web site.

Tioga County strongly supports strict adherence to Intellectual Property rights, copyright law, and software vendors' license agreements. Download and use of copyrighted software in a manner that violates the license agreement and without permission are prohibited. Tioga County employees should assume that all materials on the Internet are copyrighted unless specific notice states otherwise. When

information from the Internet is integrated into internal reports or used for other purposes, all material must include labels such as "copyright, all rights reserved" as well as specific information about the source of the information (author names, URL's dates, etc.). Reproduction, forwarding, or in any other way republishing or redistributing words, graphics, or other materials must be done only with the written permission of the author/owner.

H. Acceptable Use – VPN (Virtual Private Network) or Other Remote Access

VPN access may be provided to employees, contractors, business partners, and members of other agencies based on demonstrated need and job function as approved by the Department Head. VPN Access is to be used only to support County government business and all the general provisions of the General Acceptable Use policy stated above apply to all VPN use. VPN Access will be granted by ITCS upon written memo from the Department Head. Employees may be granted VPN access during business hours if they are working from a remote site, such as a school or conference.

I. Acceptable Use – Cellular Phones and Other Wireless Devices

Tioga County may provide employees with cell phones, smart phones and other appropriate mobile and wireless devices, when necessary for the performance of their County duties.

Cellular phone service, like other means of communication, is provided for the sole purpose of supporting County business operations.

Employees are required to reimburse the County for personal use. Employees must understand that unreimbursed personal use of County Cell Phones may be audited by the IRS and be reportable as income.

Employees shall not use cellular telephones for illegal, disruptive, unethical or unprofessional activities, or for personal gain, or for any purpose that would jeopardize the legitimate interest of Tioga County.

Department Heads must review all cellular telephone statements for compliance with this policy. Any use not in accordance with this policy may result in disciplinary action, up to and including termination of employment, in addition to reimbursement to the County for all costs associated with non-compliance.

Cellular phones or other mobile devices shall not be used while operating a motor vehicle.

Smartphones and other mobile devices will be password protected.

J. Working from Home or Other Remote Sites

The scope of this section does not indicate working from home is authorized for any particular employee, and only discusses the precautions and steps that must be employed if authorization is given or allowed through a separate policy.

Laptop computers and mobile devices such as tablets, smart phones or other devices, hereafter referred to as mobile devices, as well as Remote Desktop access services may be provided to employees based on demonstrated need and job function as approved by the Department Head. This includes but is not limited to employees whose positions involve on-call duties, employees who during the normal course of employment perform their duties away from their assigned workspace, and employees who have demonstrated a need to be in contact with their office via email and other communication interfaces. County business should always be

conducted on County-issued computers or devices approved for use by ITCS. Users should never use personal computers to conduct County business except through County authorized tools or mechanisms.

Mobile devices, like other means of communication, are to be used only to support County government business. Employees may use mobile devices to communicate outside of the County government when such communications are related to legitimate business activities and are within their job assignments or responsibilities.

Employees shall not use mobile devices for illegal, disruptive, unethical or unprofessional activities, or for personal gain, or for any purpose that would jeopardize the legitimate interests of Tioga County.

User identification and passwords must be enabled and used on all Mobile devices and mobile computing devices in accordance with County policy. Access codes must be protected and will be required to be changed in accordance with Tioga County's Password Policy. Mobile devices will be either turned off or locked when not in use.

Users shall avoid leaving mobile devices in situations that increase the risk of theft and never leave mobile devices unattended or unsecured. If the mobile device is stolen, you must immediately report this to your supervisor who will inform the appropriate Department Head, ITCS and appropriate law enforcement authorities.

Mobile devices will not be used while operating a motor vehicle. Employees must take every effort to ensure the safe usage of mobile devices.

Employees must take every effort to ensure the security, safety and maintenance of the mobile device. Any unreasonable use, abuse, neglect, or alterations of mobile device equipment may result in the loss of computing privileges. Misuse of mobile devices will result in appropriate disciplinary action up to and including termination of employment.

Users are required to immediately report any problems with their mobile devices to Information Technology Helpdesk at extension 8294. Any attempt by employees to dismantle or repair their machines or to install modifications themselves may invalidate the manufacturer's warranty.

It is mandatory for all County users of mobile devices to copy or move all data files stored on the hard drives to the network so they will be backed up according to the critical nature of the data. It is the policy of the County that no user or County data be stored on mobile devices, and instead be stored and accessed from County servers. An exception shall be made for circumstances such as travel outside the County network where access to specific local files is necessary (e.g. presentation on mobile device for out of area court appearance.) Upon return, the user must delete those locally stored files from the computer.

No personal hardware or software is allowed to be loaded on the Mobile Device. All equipment and software of any kind is the sole property of Tioga County. Failure to comply with this policy may result in discipline, up to and including termination.

K. Remote Office Security

Before approval for working at home or telecommuting is granted, a user's Department Head must review the security environment of the proposed working environment through employee interview or onsite evaluation. If the user works with sensitive information, a shredder must be employed. If sensitive information will be stored in paper form, locking furniture or a safe must be available. Users must also make sure they are connected to VPN when saving their files or at least saving documents in their assigned OneDrive.

The security of Tioga County information and physical property at remote locations is just as important as it is in the office. All the same security requirements apply at remote locations, although they may be implemented in different ways. For example, paper-based Confidential and High-Risk information must be locked up when not in active use. In Tioga County offices, a file cabinet might be used, but on the road, or at home, a locking briefcase might be employed.

L. Handling of Sensitive Information

In general, sensitive (Confidential, High or Moderate Risk) information, regardless of whether it is in paper or electronic form, should not leave Tioga County offices. If it is necessary to remove sensitive information from Tioga County offices - e.g., a court hearing - this information must be protected as appropriate for the type of media. Sensitive data may only be removed from County premises when it is encrypted and securely locked.

M. Security Incident Reporting Procedure

Users shall report all suspicious activities, social engineering attempts, anomalous behavior of equipment, systems or persons, virus activity, and any unusual occurrences to their department supervisor immediately. The department supervisor shall report this information to the ITCS Department and the County Deputy Director of ITCS at the time of the reported incident. The ITCS Department will conduct an investigation as required by the nature of the incident and will document their findings and report back to the department supervisor within ten business days. ITCS and the Deputy Director of ITCS will contact law enforcement agencies if their investigation warrants it.

N. Workstation Security**1. General**

Workstations are a gateway to secure network storage, printing, applications and other services. Data shall never be stored on individual workstations. Workstations are not backed up and may be removed, replaced or erased and reconfigured at any time by ITCS without prior notice. End users are responsible for ensuring that all data resides on appropriate network resources and that no data is stored on their individual computer. All data must be stored on either Home Folders, Shared Folders, or other applicable network storage devices.

No network devices, including but not limited to computers, hubs, switches and routers, and wireless devices shall be attached to the Tioga County network unless they have been approved in writing by the CIO. Moreover, only members of the ITCS Department or approved contractors may attach network devices to the Tioga County Network. Users may not bring workstations or other devices from home and attach them to the network unless approved in writing by the CIO or designee. The CIO or designee reserves the right to revoke personal device access to the network at any time.

All workstations must have county-approved virus protection software on them, configured in accordance with the current Malicious Software Policy.

Workstations shall be stored in controlled access areas, or in areas where there is minimal probability of unauthorized personnel viewing screens or data. When workstations must be stored in public areas, screens shall be turned away from public view. When this precaution is not possible, covers will be installed in order to preclude passerby access to High-Risk and Confidential information. When a user leaves his or her work area or office for any period of time, the user must place the desktop in a password-protected "locked" state. Any devices found left in "Logged in" state must be reported to the Deputy Director of ITCS and Department Head.

2. Removable Media

Considering federal and state regulations on information security, use of rewritable media including but not limited to flash drives, cell phones, diskettes, DVDs and CDs is strongly discouraged. Users shall not utilize personal removable media devices in County computer systems.

Media not intended for redistribution must be formatted before being discarded according to applicable regulations.

Connecting Cell phones via USB on any Tioga County Technology device is strictly prohibited unless written permission from the CIO or designee has been granted.

3. Media Disposal

Media containing County Information Assets, including but not limited to floppy disks, CDs, hard drives, flash drives, cell phones and other removable media will be treated in accordance with applicable state and federal statute or regulation. When media is no longer required, it will be turned over to ITCS for proper disposal.

Hard drives from workstations must go through a certified, approved destruction process. ITCS shall document and maintain a record of receipt and disposition and will provide copies to the responsible parties.

4. Media Reuse

If media is to be reused or redistributed, the user or ITCS must repartition and format the media. If a department has determined a need for the use of rewritable media and the media is coming from a source outside the County network, the media must be scanned for malware prior to using any information on the media.

5. Data Backup and Storage

Before being edited, or before performing upgrades, or before moving County equipment that holds County data, all data shall be backed up in order to create and preserve a retrievable, exact copy of the data.

O. Printing

When users are printing High, Moderate risk or Confidential data they shall take precautions to ensure that their privacy and security are protected. Examples of this include:

- Stand by the printer while the job is printing.
 - Immediately remove the documents from the printer.
-

- Print to a printer/copier mailbox and release the print job when standing at the printer/copier.
- Print to a printer/copier in a secure area.
- Lock file cabinets and records rooms that contain High-Risk and Confidential Data when unattended and/or during non-business hours.

P. Data Restoration

End users who require restoration of data shall inform their supervisor and the ITCS Department immediately. They will provide ITCS with as much information about the data, including the location and the approximate date and time of deletion. Depending on the circumstances, the data may or may not be available for restoration.

VI. Audience – Department Heads \ Supervisors

A. Authorization and Supervision

Department Heads are responsible for the authorization and supervision of employees who work with High and Moderate Risk or Confidential information within their departments. Department Heads must ensure that the relevant procedures described in this policy are followed in order to mitigate the risk of unauthorized use or release of High and Moderate Risk or Confidential Data.

B. Workforce Clearance Procedures

The County shall conduct background checks, of the following current and prospective County employees:

- All full-time and part-time employees, except elected officials and employees of the Tioga County Board of Elections, hired after 1/1/2016.
- All temporary and seasonal employees, except employees of the Tioga County Board of Elections, hired after 1/1/2016 who may have access to High-Risk or Confidential Information.
- All current employees of the Personnel and ITCS Departments, except employees hired before 1/1/2016 who are represented by CSEA.

Nothing in subparagraph (1) above shall preclude a Department Head from conducting such other background checks of current and prospective County employees as may be required by law or internal department policy.

C. Termination \ Separation Procedures

The Department Head shall notify the Personnel Office when an employee is to be terminated or otherwise separated from County employment. Upon receipt of such notification, the Personnel Office shall notify ITCS. ITCS shall secure the employee's data by whatever means necessary and appropriate under the circumstances, including moving the data, locking or deleting the employee's system accounts, redirecting or deleting the employee's phone extension and voice mail, and/or securing or deleting the employee's email box. The Department Head may request specific actions be taken via a service ticket. The Department Head must make sure all assigned equipment is returned to the department and verified with the ITCS Department. Any approved Personal Devices will immediately lose access to the county network and data.

D. Access Authorization, Establishment & Modification

The access authorization process for employees and contractors will be initiated by an employee's department in a service ticket or e-mail describing the level of access, group membership, and other appropriate information needed to grant access. Authorization will be granted by the Department Head or alternatively by the CIO. The privileges granted remain in effect until the worker's job changes or the worker leaves Tioga County, or until the department otherwise notifies ITCS of a change. If any of these events takes place, the Department Head must immediately notify the ITCS Department.

E. Departmental Security Training

Each County Department is required to hold, at a minimum, annual training for their users concerning the management of Information Security. It is the responsibility of the individual Department Head to ensure that this training takes place and records are maintained concerning the scope of the training as well as documentation of those employees that attended the training.

ITCS shall sponsor Countywide annual security training for the County Staff that employees are required to complete once per calendar year. Attendance at this training can be used as proof of compliance with the departmental security training requirements.

F. Business Associate Agreement

All Covered Entities and Business Associates (as the terms are defined by HIPAA) within the County are required to have in place a current, HIPAA compliant Business Associates Agreement (BAA) with any and all vendors, contractors, subcontractors, consultants, non-county agencies or other service providers who are their Business Associate. The BAA must address specific compliance issues in keeping with all New York and Federal statutes, rules and regulations. Each BAA must be approved by the County Attorney prior to execution. Department Heads shall consult with the County Attorney to ascertain whether their department is a Covered Entity or Business Associate.

In some instances, County Departments are Business Associates (defined in Definitions above) of Non-County Covered Entities. In the event a County Department is asked to enter into a BAA with a Non-County Covered Entity, the BAA must be reviewed and approved by the County Attorney prior to execution.

Any County Department that is either a Covered Entity or Business Associate, as those terms are defined by HIPAA, shall maintain a current list of all BAAs entered into by their department and shall ensure that said BAAs are kept current.

It is the responsibility of the Department Head of the County Covered Entity or Business Associate to ensure that the requirements of this section are met.

G. Vendor Access Control

All Vendors requiring access to Tioga County electronic resources on the Tioga County network must be submitted for review and approval by the by the CIO or Deputy Director of ITCS. All software with Vendor service agreements, requiring access for support, must also be submitted for review and approval by the CIO or Deputy Director of ITCS. Vendors requiring continual access will use the Tioga County authorized Virtual Private Network solution.

All methods of vendor remote access must be approved by the CIO or Deputy Director of ITCS. Department Heads must contact the ITCS Department before allowing any Third-Party Access to Tioga County Network. Access will be granted only

for the requested maintenance window. Once support is completed, Access will be terminated, and Vendor accounts disabled. The CIO or Deputy Director of ITCS reserves the right to disable all Vendor access at any point in time.

Vendors chosen by Department Heads must follow the same compliance requirements which that Department adheres. All vendors must comply with the Comprehensive Security Policy and be given this policy prior to signing any contracts.

H. Application Level Authentication, Logging and Integrity Controls on High-Risk Data

Individual Department Heads with applications that contain or store High-Risk data are responsible for monitoring the security and logs of their applications and must record and document these activities. All department level applications must be password protected at the user interface and must have password protection at the database and file level. Departments with such application must have a written policy on log monitoring and management and must monitor the logs on a regular basis. This responsibility may be assigned to a staff member(s) who will take responsibility for the task. Department Heads must ensure that the data has not been altered by unauthorized personnel. All the policies that apply to the County network apply to individual applications.

I. Keys and Swipe Cards

Each Department Head shall determine the level of access, via key or swipe card, that each employee within his/her department may have to County facilities within the Department Head's authority and control. NOTE: Certain County employees/contractors, such as IT, Buildings and Grounds, cleaning staff and the Tioga County Safety Officer, are entitled to such access to County facilities as is required to perform their job functions.

Upon an employee's separation from County employment, the Department Head shall:

- collect all swipe cards and keys issued to the employee; and
- return all keys to the Buildings and Grounds Department; and
- terminate swipe card system access.

Each department shall maintain a written record of the names, dates and times of all swipe card assignments and changes in access permissions.

The Buildings and Grounds Department shall maintain a written record of the names, dates, and times of all key assignments, the changes to all locks and the repairs to all doors.

J. Solicitation

Solicitation is any form of requesting money, support or participation for products, groups, organizations or causes. Tioga County employees, contractors and volunteers are not allowed to use any electronic device, network or social media owned by Tioga County. The exception is any pre-approved solicitation such as United Way.

VII. Audience – ITCS Department

A. Data Network Configuration

1. Firewalls

All county-owned computers and networks shall be protected by a physical or virtual network firewall to prevent intrusion, theft, or breach.

2. Time Synchronization

All network devices and phones attached to the Tioga County network shall have their internal clocks synchronized with a single time source, maintained by ITCS.

3. Passwords

Passwords shall be at least 12 characters in length consisting of upper- and lower-case alphabetic characters, numbers, and punctuation characters. Where systems support it, this minimum length shall be enforced automatically. Passwords shall be changed at a minimum of every 365 days and the password history shall be maintained for the last 8 passwords.

4. Automatic Logoff & Screensavers

Screen Savers shall be configured to activate after 10 minutes of inactivity so that High-Risk and Confidential information is not visible during periods of user inactivity. System policy shall be configured to automatically log-off users after 8 hours of inactivity, when possible.

5. Login Banners

When logging in to a workstation or any other Information Systems device in Tioga County, the device will display a login banner reminding users of their responsibilities to be familiar with County Information Security Policies and of their responsibility to help maintain the security of Tioga County's information assets, if supported by the device. The banner states: *Computer Systems Access. This device is a part of the Tioga County, New York computer network. Usage of this device is governed by the Comprehensive Information Security Policy, found in Section VIII of the County Employee Handbook. Unauthorized use prohibited.*

6. Protection from Malicious Software

All Tioga County devices are required to have appropriate protection from Malware installed and configured for centralized management and reporting. Tioga County ITCS shall provide and configure network-level software and policies that monitor malware.

7. Login Monitoring

Login banners shall display Last Login information whenever a user logs into a County device when possible.

8. Server and Network Infrastructure Device Security

Servers shall be placed in locked rooms that have access limited to authorized personnel only. Administrative access to servers will be strictly limited to members of the ITCS Department, approved contractors, software vendors, and in rare cases, super users in individual departments. When possible, servers will be placed so that only ITCS members and IT contractors have access to them. Because of privacy and security requirements, users who are neither ITCS members nor approved contractors will not receive administrative-level permissions.

Server desktops shall remain logged out at all times unless a member of the ITCS staff or a contractor is working on the server. When administrative tasks are complete, the operator will log out immediately.

When remote access to servers is required, members of the ITCS Department will use only approved, encrypted communications for these sessions.

9. Server File System Security

With the exception of HOME folders, only Active Directory Domain Global Groups shall be used to apply security to server resources on Tioga County servers. Individual user objects shall never be assigned access to any folders or other shared server resources.

10. Workstation System Security

User privileges on a workstation shall be assigned at the lowest level possible. Initially, the user's workgroup shall be assigned *Domain User* access. However, some applications will not work properly unless the user has a higher level of privileges. If this has been demonstrated to be the case, the user shall be granted the lowest level required for applications to work properly. At the discretion of the Department Head and with authorization from the CIO, users may be assigned administrative privileges to their workstations.

Workstations shall be configured to allow Remote Desktop and Virtual Network Computing (VNC) access to the workstation and shall be configured so that authorized support personnel can login in order to provide technical support.

B. Network Folder Configuration

1. Home Folders

Users who are assigned network accounts will receive a HOME directory (folder) for storage of their daily work. Only the individual user and the ITCS Department will have access to HOME folders.

2. Shared Folders

Users shall be assigned access to shared folders in accordance with departmental or workgroup requirements as directed by the user's supervisor. Shared folders are for the purpose of allowing entire workgroups or departments to share data. Requests for special workgroups or cross-departmental workgroups should be referred to the ITCS Department.

3. Application Folders

Users shall be assigned access to shared folders in accordance with departmental or workgroup requirements as directed by the user's supervisor.

C. Network Intrusion, Virus or Malicious Software Outbreak

Should a network intrusion, virus or malicious software outbreak be suspected, ITCS will take the following steps:+

- Record and Capture any necessary system information
 - Backup, isolate, and shut down (if necessary) the compromised system
 - Search other systems for signs of intrusion or infection
 - Secure and examine logs
 - Identify how the intruder gained access, if applicable
 - Identify what the intruder did, if applicable
 - Collect and preserve evidence
 - Contact Law Enforcement (if necessary)
 - Identify and implement new security features or procedures to protect from a recurrence of a similar intrusion
-

- Provide a report to the Deputy Director of ITCS that details the identified issue, what steps were taken to address it, and progress on eliminating the threat from the network until completion

D. Data Backup Plan

End users are responsible for ensuring that all County data is stored on county file servers. The ITCS Department is responsible for backing up and restoring data on servers and is responsible for ensuring the confidentiality, integrity, and availability of the County data that is stored on servers. To that end:

- All servers shall be fully backed up at least once a week and backup images will be maintained for at least 30 days.
- All servers shall be incrementally backed up every business day. However, daily full backups are preferred, when possible.
- At least two sets of full backups shall be maintained off-site and rotated weekly.
- An ITCS staff member shall review all server backup logs daily and will record the status of backups on a daily checklist/report.
- At least once a quarter, a member of the ITCS staff will perform a random test restoration of data from backup media in order to ensure the integrity of the backups.
- For automated backups, a backup user will be created. Backups will not be performed under the Administrator account.
- A record of backups will be kept by ITCS for review.

Backups of data must be handled with the same security precautions as the data itself. When systems are disposed of, or repurposed, data must be certified deleted, or disks destroyed consistent with industry best practices for the security level of the data.

E. Disaster Recovery and Emergency Mode Operation Plans

The Tioga County Emergency Management Office maintains a Countywide disaster recovery document, known as a Continuity Of Operations Plan (COOP.) The COOP plan covers key elements of physical disaster recovery operations for County departments including:

- How the department will conduct business during an emergency.
- The key resources that are required for emergency operations and enumerate how those resources will be provided.
- The backup location(s) where the department will conduct operations.
- How the department will contact key personnel in an emergency.
- How the department will disseminate information during an emergency.
- Enumerating a timeline for the reconstruction of normal operations

The ITCS Department maintains a Data Disaster Recovery Plan that addresses the following IT and data-specific disaster needs:

- Identifying the configurations of key County IT infrastructure.
-

- Enumerating and ranking the most likely failures or disasters that can occur.
- Documenting action plans for mitigating the identified potential disasters.

The CIO will be provided with a Countywide master key that allows access to all facilities with IT assets that may require physical access or intervention by an IT staff member.

F. Disaster Testing and Revision Procedure

Tioga County shall establish a Data Disaster Recovery Workgroup consisting of, at minimum, representative(s) from ITCS and representative(s) from the Emergency Management Office. This group shall annually conduct a review, with key departments, of the processes the County intends to follow in a disaster. This group is responsible for annual testing and review of the Data Disaster Recovery Plan no later than March 15th. A report of the testing and review, along with recommended remediation shall be presented to the County Legislature no later than June 30th. The group is responsible for ensuring that all remediation is performed no later than December 31st annually.

During testing of the Data Disaster Recovery Plan, the Data Disaster Recovery Workgroup will annually review processes and procedures taking into consideration the relative importance of critical systems and data.

G. Determining Data Criticality

Tioga County shall have a formal process for defining and identifying the criticality of its computing systems and the data contained within them. The responsibility for this process lies with the Disaster Recovery Workgroup. The prioritization of Tioga County information systems must be based on an analysis of the impact to Tioga County services, processes, and business objectives if disasters or emergencies cause specific information systems to be unavailable for particular periods of time. The criticality analysis must be conducted with the cooperation of the Legislature, Department Heads, and owners of Tioga County information systems and business processes. The criticality analysis must be conducted as part of the annual disaster testing and revision procedures

At a minimum, this process will include:

- Creating an inventory of interdependent systems and their dependencies.
 - Documenting the criticality of Tioga County's information systems (e.g. impact on users of Tioga County services).
 - Identifying and documenting the impact to Tioga County services, if specific Tioga County information systems are unavailable for different periods of time (e.g. 1 hour, 1 day).
 - Identifying the maximum time periods that County computing systems can be unavailable.
 - Prioritizing County computing system components according to their criticality to the County's ability to function at normal levels.
-

H. Critical Systems, Applications and Data

1. General

During an emergency, operations and data should be restored within 72 hours. ITCS will utilize the following classifications and definitions to identify other critical systems, application and data:

a) Safety Critical Systems & Applications (SCS)

A Safety Critical System or application is a computer, electronic or electromechanical system whose failure may cause injury or death to human beings. Downtime is unacceptable and appropriate measures, such as redundant systems are required.

During an emergency, these systems will receive the highest priority and will be restored as quickly as possible.

These systems shall maintain uptime of 99.7% or better.

b) Mission Critical Systems & Applications (MCS)

A computer, electronic, or electromechanical system whose failure would cause grave financial consequences is considered to be a *Mission Critical System or Application*. Downtime during general business operations is unacceptable. However, downtime during an emergency or disaster is acceptable if the system resumes operations within a period of 48 hours after the emergency is over.

These systems shall maintain uptime of 99% or better.

c) Core Systems & Applications (CS)

A computer, electronic, or electromechanical system whose failure would cause operational difficulties, increased workload, and inconvenience to staff and clients.

These systems shall maintain uptime of 98% or better.

d) Standard Systems and Applications (SS)

During an emergency, standard systems and applications should be restored within 96 hours.

2. Emergency Access Procedures for Critical Systems and Data

ITCS shall maintain a database of all applications in use by Tioga County employees and rate the applications according to the priority of restoration that will be required in the case of a disaster or interruption of operations.

Table of County Systems and Classifications

Type of System	System or Application
Safety Critical Systems (SCS)	911 Center Telephone Systems and Radio System
Mission Critical Systems (MCS)	15 Series, Accounting and Financial Systems, Core Network Equipment
Core Systems (CS)	Infrastructure devices and systems
Standard Systems	County File Servers

I. Maintenance Windows

ITCS requires a maintenance window on all equipment that it maintains. The maintenance window will be in keeping with the system uptime standards. Routine maintenance will be announced and coordinated with the affected department.

J. Access Control

1. User Identification (User IDs)

Each User shall be assigned their own unique userid. This userid follows an individual as they move through the County. It shall be permanently decommissioned when a user leaves Tioga County; re-use of userids is not permitted. Userids and related passwords must not be shared with any other individual (Users should instead utilize other mechanisms for sharing information such as electronic mail, shared folders, etc.). Userids are linked to specific people, and are not associated with computer terminals, departments, or job titles. Anonymous userids (such as *guest*) are not permitted unless mitigative controls are in place.

2. Encryption

Electronic High-Risk data must be encrypted whenever being transported outside of County facilities on removable media. Protected Electronic data also must be encrypted at rest using various approved encryption methods.

K. Audit Controls

All County file servers and core network devices such as firewalls and routers shall have logging enabled and the logs shall be sent to a central log server maintained by ITCS. At a minimum, the following types of events shall be logged:

- Logon/Logoff Events
- Account Lockouts
- Logon/Logoff Exceptions
- Authority and Permission Changes
- Privilege use and elevation.

ITCS shall monitor the logs daily and will immediately report anomalous behavior to the Deputy Director of ITCS.

L. Data Transmission & Encryption Policy

High-Risk and Confidential data must be encrypted during transmission over non-secure channels, abiding by the following definitions and conditions:

- A non-secure channel is defined as any public network, including but not limited to the Internet.
- The Public Switched Telephone Network is considered to be a secure medium (i.e. faxing and telephone calls on a landline).
- Tioga County Employees are not permitted to encrypt or apply passwords to data unless it is for the purpose of transmission over a non-secured channel.

Tioga County ITCS will provide services and training to end users for the secure, encrypted transmission of data and will provide detailed documentation for these services to County employees.

M. Information Retention

County Information Assets, including archival backups, must be retained in accordance with applicable federal and state statute, including the *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*. Where permitted by statute, documents will be scanned, indexed, and retained in electronic format as a substitute for original documents. Document imaging will be performed in accordance with the *New York State Archives Imaging Production Guidelines (2014)*.

N. Security Training

Annual Security Training (as referenced in section VI (E)) shall be performed by members or designees of the ITCS Department. ITCS shall maintain responsibility for the content and coordination of these training sessions each year.

O. Policy Changes

ITCS Department will notify all users, including employees and shared services, of any policy and training changes or notifications.

VIII. Audience – Deputy Director of ITCS**A. Information Security Duties of the Deputy Director of ITCS**

The County shall appoint an employee who is responsible for implementing and monitoring a consistent data security program. The Deputy Director of ITCS shall:

- Report directly to the Chief Information Officer to help improve and communicate the maturity levels of information security, state of and information technology risk priorities across Tioga County networks and systems.
 - Be responsible for overseeing information security, cyber security and IT risk management programs based on industry-accepted information security and risk management frameworks.
 - Provide proactive identification and mitigation of IT risks as well as responding to observations identified by third party auditors or examiners.
 - Review the Information Security Policy on an annual basis for both accuracy and to ensure continued HIPAA compliance. If changes in policy are necessary, those changes shall be submitted for review and approval by the Legislature with the report.
 - Coordinate every two years a Risk Assessment that may be conducted by an external consultant. The Risk Assessment will review current security policies, the County's compliance therewith and identify any deficiencies. The results of the Risk Assessment will be used to create a Risk Assessment Report that shall be submitted to the Legislature for review and approval. The assessment will be conducted every two years and results will be presented to the Tioga County Legislature about twelve weeks after.
 - Create a *Risk Mitigation and Management Plan* from the results of the Risk Assessment and present to the Legislature for review on or about 16 weeks from the date of the Risk Assessment. This plan will suggest remedies and solutions for deficiencies identified in the Risk Assessment. These deficiencies will be remedied, or a Legislature-approved plan prepared to address the deficiency by, on or about 24 weeks from the date of the Risk Assessment. The Deputy Director of ITCS is responsible for ensuring that risk mitigation is assigned to appropriate parties and completed within a reasonable amount of time.
-

- Develop and manage the frameworks, processes, tools and consultancy necessary for ITCS to properly manage risk and to make risk-based decisions related to IT activities.
 - Development of periodic reports and dashboards presenting the level of control compliance and current information security risk posture.
 - Participate in tabletop Emergency Response exercises as outlined in this policy.
 - Work with the County Attorney to investigate information security breaches; ensure compliance with any and all reporting protocols required by the applicable statutes, rules and regulations and County policies; ensure that corrective measures and procedures to prevent, detect and contain future information security breaches are implemented. Monitor information security activities and oversee the application of specified security procedures.
 - Assist personnel in assessing data to determine classification level.
 - Facilitate ITCS security management education and training, including but not limited to annual cyber awareness training for all Tioga County users.
-

REFERRED TO: LEGISLATIVE WORKSESSION

RESOLUTION NO. -23 AMEND EMPLOYEE HANDBOOK:
SECTION VI. TRAVEL POLICY AND PROCEDURES,
SUBSECTION VII. MEAL ALLOWANCES AND
SECTION VII. PURCHASING AND PAYMENT
POLICY, SUBSECTION III. PURCHASING CARDS

WHEREAS: Tioga County’s Employee Handbook Section VI. Travel Policy and Procedures, Subsection VII. Meal Allowances and Section VII. Purchasing and Payment Policy, Subsection III. Purchasing Cards currently reference per-diem reimbursement rates based on 30% less the General Services Administration (GSA) Chart rates; and

WHEREAS: The Legislature is desirous of amending both policies to reflect a Standard Daily Rate of \$65.00 for all travel within New York State and an Out-of-State GSA Rate based on travel location via <https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-lookup/>; therefore be it

RESOLVED: That effective January 10, 2023, the Employee Handbook is amended to read as follows:

SECTION VI. TRAVEL POLICY AND PROCEDURES – SUBSECTION VII. MEAL ALLOWANCES

VII. MEAL ALLOWANCES

A. The County will pay a total per-diem rate for travel requiring an overnight stay. The per-diem rate shall be based upon a Standard Daily Rate of \$65.00 for all travel within New York State according to the time the travel takes place and the Meal Reimbursement Allowances Breakdown Rates:

Breakfast:	\$14.00
Lunch:	\$16.00
Dinner:	\$30.00
Incidentals:	\$ 5.00

B. The County will pay a total per-diem rate for out-of-state travel requiring an overnight stay. The per-diem rate shall be based upon the Out-of-State GSA Rate via <https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-lookup/> according to the time the travel takes place and the established Meal & Incidental Rates.

C. Based on the NYS Standard Daily Rate or Out-of-State GSA rates in effect at time of travel.

1. Meals will be allowed as follows at time of overnight travel:
 - a. Breakfast – When the time of departure from home at the beginning of the trip necessarily occurs before 7:00 am.
 - b. Lunch – When the employee is away from his/her office for more than one-half of the employee's normal workday.
 - c. Dinner – When the time of return home at the conclusion of a trip necessarily occurs after 7:00 pm.

Meal costs, which are part of a package conference fee, will be allowed even if they exceed these guidelines.

- D. Extended training of five days or more – With the prior approval of the Legislative Chair special consideration may be made for extended training of five consecutive days or more, excluding modifications to the allowance rate.
- E. Meals included in airline fare or conference registration fee must not be claimed a second time.
- F. Tioga County will pay up to 18% tipping/gratuity for meals.

SECTION VII. PURCHASING AND PAYMENT POLICY, SUBSECTION III. PURCHASING CARDS

USING THE PURCHASING CARD

- E. Meals purchased with the card should be in accordance with Section VI Travel Policy and Procedures, Subsection VII Meal Allowances following the appropriate NYS Standard Daily Rate or Out-of-State GSA Rate. If a Purchase Card is used in place of requesting per-diem the tax-exempt form must be presented at time of purchase. If the vendor refuses to abate the tax or a credit cannot be obtained the user is responsible to reimburse Tioga County all sales tax. If the meal purchased exceeds the NYS Standard Daily Rate or Out-of-State GSA Rate, the cardholder will be responsible for reimbursing the exceeding amount to the County.

And be it further

RESOLVED: That the remainder of these policies will remain unchanged.
